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Codification Guide

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published in today's issue. A cumulative list of parts affected, covering the current month to date, appears at the end of each issue beginning with the second issue of the month.

Monthly, quarterly, and annual cumulative guides, published separately from the daily issues, include the section numbers as well as the part numbers affected.

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Rules and Regulations

Title 5—ADMINISTRATIVE PERSONNEL

Chapter II—Employment and Compensation in the Canal Zone

PART 201—GENERAL

PART 202—FILLING POSITIONS

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, subparagraph (5) of § 201.100(b) is deleted and § 202.10 is amended by adding the following paragraph (f):

§ 202.10 Certifications for appointment.

* * * * *

(f) When necessary to achieve the objectives set forth in section 14 of Public Law 85–550 and Part 206 of this title, certification for appointment under an apprentice program may, at the request of the appointing officer, be restricted on the basis of citizenship.

ELVIS J. STAHR, JR.,
Secretary of the Army.

[F.R. Doc. 61–10643; Filed, Nov. 7, 1961; 8:45 a.m.]

Title 7—AGRICULTURE

Chapter VII—Agricultural Stabilization and Conservation Service (Agricultural Adjustment), Department of Agriculture

SUBCHAPTER B—FARM MARKETING QUOTAS AND ACREAGE ALLOTMENTS

[Amdt. 2]

PART 723—CIGAR-FILLER TOBACCO, CIGAR-BINDER TOBACCO AND CIGAR-FILLER AND BINDER TOBACCO

Subpart—Cigar-Filler (Type 41) Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENT

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6411, 6622, 7693) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87–200, to include in a new section 723.988 provisions for the leasing and transfer of cigar-filler (type 41) tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9235) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to the regulations in § 723.988 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87–200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found and determined that compliance with the 30-day effective date provision of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing this document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 723.988 is added to read as follows:

§ 723.988 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 723.971 through 723.987, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for cigar-filler (type 41) tobacco is established under §§ 723.971 through 723.987 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in allotment regulations issued for the 1963–64 marketing year.

(c) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(d) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 723.982 in the case of old farms and, in the case of new farms, § 723.985, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(e) The amount of allotment acreage which is leased from a farm (prior to any reduction made under paragraph (d) of this section) shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(f) Not more than five acres of allotment acreage (prior to any adjustment under paragraph (d) of this section for normal yields) may be leased and transferred to any farm: *Provided*, That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(g) A 1962 new farm allotment shall not be leased or transferred.

(h) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only a part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(i) The 1962 tobacco allotment acreage in a pool (see § 723.980(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 723.980(b), shall not be eligible for lease and transfer.

(j) Any allotment acreage leased shall not be subleased.

(k) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from

which or to which 1962 tobacco allotment acreage is leased under this section.

(l) If a 1962 allotment reduction under the proviso in § 723.978(b) is pending, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the case is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 on or before May 1, 1962, the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee, it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced under the proviso in § 723.978(b), the allotment reduction shall be delayed until 1963.

(m) Except with respect to the erroneous allotment notice provisions in § 723.986, and the provisions for review in § 723.987, the term "tobacco acreage allotment" as used in §§ 723.971 through 723.987 shall mean the allotment without regard to the application of the provisions of this section.

(n) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(o) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review (see § 723.987), as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(p) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco, including absorption of carry-over penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for the farm. Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(q) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(r) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 shall be the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as as amended; 7 U.S.C. 1316, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10682; Filed, Nov. 7, 1961; 8:51 a.m.]

[Amdt. 1]

PART 727—MARYLAND TOBACCO

Subpart—Maryland Tobacco Marketing Quota Regulations, 1962–63 Marketing Year

LEASE AND TRANSFER OF TOBACCO ACREAGE ALLOTMENT

(1) *Basis and purpose.* This amendment to the above-designated regulations (26 F.R. 6424, 6641) is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1281 et seq.), and the provisions of Public Law 87-200, to include in a new § 727.1328 provisions for the leasing and transfer of Maryland tobacco acreage allotments. Prior to preparing this amendment, public notice was given (26 F.R. 9238, 9678) in accordance with section 4 of the Administrative Procedure Act (5 U.S.C. 1003). The data, views and recommendations pertaining to the regulations in § 727.1328 which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended, and Public Law 87-200. Since farmers are now making 1962 crop plans and such plans may be affected by the provisions governing the lease and transfer of tobacco allotment acreage, it is hereby found and determined that compliance with the 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest and this amendment shall be effective upon filing of the document with the Director, Office of the Federal Register.

(2) *The amendment.* A new § 727.1328 is added to read as follows:

§ 727.1328 Lease and transfer of tobacco acreage allotment.

(a) Notwithstanding the provisions of §§ 727.1311 through 727.1327, but subject to the limitations provided in this section, the owner and operator (acting together if different persons) of any farm for which an old farm 1962 tobacco acreage allotment for Maryland tobacco is established under §§ 727.1311 through 727.1327 may lease and transfer all or any part of such allotment to the owner or operator of a farm in the same county with a 1962 allotment (old or new farm) for the same kind of tobacco for use on such farm. Such lease and transfer of allotment acreage shall be recognized and considered valid by the county committee subject to the conditions set forth in this section.

(b) Any lease shall be made on such terms and conditions, except as otherwise provided in this section, as the parties thereto agree upon. No lease of a 1962 tobacco acreage allotment or any part thereof shall be entered into for any period in excess of the 1962 crop year, but may be renewed for the 1963 crop year, if the parties so agree. Provisions governing renewals for 1963 will be made in allotment regulations issued for the 1963–64 marketing year.

(c) A 1962 Maryland tobacco acreage allotment shall not be eligible for lease and transfer from a farm pursuant to this section unless at least 75 percent of the Maryland tobacco acreage allotment for such farm for each of the years 1960 and 1961 was actually planted (planted in the field).

(d) The lease and transfer of any 1962 allotment or any part thereof shall not be effective until a copy of such lease is filed with and determined by the county committee to be in compliance with the provisions of this section. Such lease and transfer shall not be effective unless a copy of the lease is filed with the county committee not later than May 1, 1962.

(e) The county committee shall determine a normal yield per acre, in accordance with the provisions of § 727.1322 in the case of old farms and, in the case of new farms, § 727.1325, for each farm from which, and for each farm to which, a tobacco acreage allotment or any part thereof is leased. If the normal yield determined by the county committee for the farm to which the allotment acreage is transfered does not exceed the normal yield determined by the county committee for the farm from which the allotment acreage is transferred by more than ten percent, the lease and transfer shall be approved acre for acre. If the normal yield determined by the county committee for the farm to which the allotment acreage is transferred exceeds the normal yield for the farm from which the allotment acreage is transferred by more than ten percent, the county committee shall make a downward adjustment in the amount of the allotment acreage transferred by multiplying the normal yield established for the farm from which the allotment acreage is transferred by the acreage being transferred and dividing the result by the normal yield established for the farm to which the allotment acreage is transferred.

(f) The amount of allotment acreage which is leased from a farm (prior to

any reduction made under paragraph (e) of this section) shall be considered for the purpose of determining future allotments (and tobacco acreage history) to have been planted to tobacco on such farm. The amount of allotment acreage which is leased and transferred to a farm shall not be taken into account in establishing allotments for subsequent years for such farm.

(g) Not more than five acres of allotment acreage (prior to any adjustment under paragraph (e) of this section for normal yields) may be leased and transferred to any farm: *Provided,* That the total acreage allotted to any farm after such transfer (the sum of its own allotment and the acreage leased and transferred to it prior to any adjustment in normal yields) shall not exceed 50 percent of the acreage of cropland in the farm.

(h) A 1962 new farm allotment shall not be leased or transferred.

(i) 1962 tobacco allotment acreage shall not be leased and transferred to or from any farm which for 1962 is under a conservation reserve contract covering the entire farm. If only part of a farm is under a conservation reserve contract for 1962, tobacco allotment acreage shall not be leased and transferred from such farm in excess of the permitted acreage for the farm and 1962 tobacco allotment acreage shall not be leased and transferred to such a farm in excess of the permitted acreage less the 1962 tobacco acreage allotment for the farm without regard to a lease and transfer.

(j) The 1962 tobacco allotment acreage in a pool (see § 727.1320(a)), including allotment acreage which has been released to the county committee and reapportioned under the provisions of § 727.1320(b), shall not be eligible for lease and transfer.

(k) Any allotment acreage leased shall not be subleased.

(l) A revised notice showing the allotment acreage after lease and transfer, shall be issued by the county committee to each of the operators of all farms from which or to which 1962 tobacco allotment acreage is leased under this section.

(m) If a violation is pending which may result in an allotment reduction for a farm for 1962, the county committee shall delay approval of any lease and transfer of allotment from or to the farm until the violation is cleared or the allotment reduction is made. However, if the allotment reduction in such a case cannot be made effective for 1962 before the final date for reducing allotments for violation (see § 727.1319), the lease may be approved by the county committee. In any case, if, after a lease and transfer of a 1962 tobacco acreage allotment has been approved by the county committee it is determined that the allotment for the farm from which or to which such acreage is leased is to be reduced for a violation, the allotment reduction shall be delayed until 1963.

(n) Except with respect to the erroneous allotment notice provisions in § 727.1326, and the provisions for review in § 727.1327, the term "tobacco acreage allotment" as used in §§ 727.1311 through 727.1327 shall mean the allotment without regard to the application of the provisions of this section.

(o) If the 1962 allotment for a farm is reduced to zero, no 1962 tobacco allotment acreage for such kind of tobacco may be leased to such farm.

(p) No lease shall be approved by the county committee for any farm involved in a lease and transfer of allotment acreage until the time for filing an application for review (see § 727.1327) as shown on the original allotment notice for the farm, has expired. If an application for review is filed for a farm involved in a lease and transfer agreement, such agreement shall not be approved by the county committee until the allotment for such farm is finally determined pursuant to Part 711 of this chapter.

(q) The acreage allotment finally determined (after lease and transfer) for a farm under the provisions of this section shall be the 1962 allotment for such farm only for the purposes of determining (1) 1962 excess acreage, (2) the amount of penalty to be collected on marketings of excess tobacco including absorption of carry-over penalty tobacco, (3) eligibility for price support, and (4) the farm marketing quota and the percentage reduction for a violation in the allotment for a farm (see § 727.1319). Such percentage reduction determined as applicable when the violation occurred shall be applied to the allotment being reduced prior to any lease and transfer of allotment.

(r) An agreement for leasing 1962 tobacco allotment acreage may be dissolved at the request of all parties to the leasing by so notifying the county committee in writing not later than May 1, 1962. In such a case, an official notice of the farm acreage allotment and marketing quota, disregarding lease and transfer, shall be issued by the county committee to each of the operators involved in the leasing agreement. If the request to dissolve the lease is made after the above-specified date, the acreage allotments resulting from the lease and transfer shall remain in effect.

(s) Allotments for reconstituted farms shall be divided or combined in accordance with Part 719 of this chapter. For this purpose, the farm acreage allotment being divided or combined for a farm in 1962 shall be the allotment after lease and transfer has been made. For 1963, that part of the acreage allotment leased shall revert back to the farm from which it was transferred. Notwithstanding the above, in the case of divisions, the county committee may allocate for 1962 the leased acreage involved to the tracts involved in the division as the farm operators interested in such tracts agree in writing.

(Secs. 316, 375, 75 Stat. 469, 52 Stat. 66, as amended; 7 U.S.C. 1316, 1375)

Effective date: Date of filing with the Director, Office of the Federal Register.

Signed at Washington, D.C., on November 2, 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10681; Filed, Nov. 7, 1961; 8:51 a.m.]

Chapter VIII—Agricultural Stabilization and Conservation Service (Sugar), Department of Agriculture

SUBCHAPTER G—DETERMINATION OF PROPORTIONATE SHARES

[Sugar Determination 857.14]

PART 857—SUGARCANE; PUERTO RICO

Proportionate Shares for Farms; 1961–62 Crop

Pursuant to the provisions of section 302 of the Sugar Act of 1948, as amended (hereinafter referred to as "act"), the following determination is hereby issued:

§ 857.14 Proportionate shares for sugarcane farms in Puerto Rico for the 1961–62 crop.

(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1961–62 crop shall be the amount of sugar, raw value, commercially recoverable from the sugarcane grown thereon and marketed (or processed by the producer) during the 1961–62 crop season for the extraction of sugar or liquid sugar.

(b) *Share tenant and sharecropper protection and compliance with other conditions for payment.* Notwithstanding the establishment of a proportionate share for each farm under paragraph (a) of this section, eligibility for payment of any producer of sugarcane shall be subject to the following conditions:

(1) The number of share tenants or sharecroppers engaged in the production of sugarcane of the 1961–62 crop on the farm of such producer shall not be reduced below the number so engaged with respect to the previous crop unless such reduction is approved by the Director of the Agricultural Stabilization and Conservation Service Caribbean Area Office (referred to in this section as "Director" and "Area Office," respectively). The Director shall approve such reduction when the reduction was the result of voluntary action of the share tenant or sharecropper, or was caused by reasons beyond the control of the producer.

(2) Such producer shall not have entered into any leasing or cropping agreement for the purpose of diverting to himself or any other producer any payments to which share tenants or sharecroppers would be entitled if their leasing or cropping agreements for the previous crop were in effect.

(3) Such producer has met all other requirements of the act, and the determinations issued pursuant thereto, with respect to child labor, wage rates, and in the case of a processor-producer, prices paid for sugarcane.

(c) *Filing application for payments.* Application for payments authorized under Title III of the act with respect to sugarcane planted on a farm for harvest during the 1961–62 crop season shall be made on Form SU–150 by the producer of the sugarcane, or his legal representative or heirs, who must sign the form and file it at the Area Office in San Juan, Puerto Rico, or with a representative of such office no later than June 30, 1964. The form shall be made available for

signing at the Area Office, a district ASCS office, the producer's farm, or such other place as designated by the Area Office and the producer shall be notified by such office of the place and the time the forms are available for signing.

(d) *Determination of eligibility and basis for payment; and appeals for review thereof.* Compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment, and the amount thereof, shall be determined by the Director. Determinations by the Director shall be made and decided in accordance with the applicable provisions of the act and regulations issued by the Secretary thereunder, and on the basis of the facts in the individual case. Within 15 days after the notice of such a determination is mailed to or otherwise made available to a producer, he may request the Director in writing to reconsider such determination. After giving the producer an opportunity to appear before him, and within 5 days after all facts in the case have been considered, the Director shall notify the producer of his decision in writing. If the producer is dissatisfied with the decision of the Director, he may, within 15 days after the notice of the decision is forwarded to or otherwise made available to him, request the Secretary of Agriculture, Washington 25, D.C., to review the decision of the Director. The decision of the Secretary shall be final. The procedures applicable to claims for unpaid wages are provided for under regulations pertaining thereto, as issued by the Secretary.

(e) *Obtaining information regarding eligibility for payment.* Where it is necessary to obtain information to assist the Director in determining compliance with the conditions prescribed by the act and regulations for any payment authorized under Title III of the act, the facts constituting the basis for any such payment or the amount thereof, or to assist the Secretary in reviewing, upon appeal, any such determination by the Director, any such information with respect to acreage or compliance shall be obtained to the extent possible as provided in the applicable provisions of Part 718 of this title, as amended. In the absence of a provision in such Part 718 for obtaining any such information, any employee of the Area Office designated by the Director to be qualified to perform such a duty may obtain such information. If the operator or his representative of any farm with respect to which application is made for any payment authorized under Title III of the act prevents the obtaining of the information necessary to determine compliance with the conditions for any such payment, the facts constituting the basis for any such payment, or the amount thereof, as provided in this paragraph, the conditions prescribed by the act and regulations for any such payment shall be deemed not to have been met until such farm operator or his representative permits such information to be obtained.

(f) *Transfer of sugarcane production records.* To provide an opportunity for records to be made and preserved in the Area Office of the transfer of sugarcane production records from one parcel of land to another for possible use in establishing restrictive proportionate shares under future programs, the following procedures are made available: The sugarcane production record for any parcel of land which is to be utilized for purposes other than the production of sugarcane for sugar shall, upon written application by the owner to the Agricultural Stabilization and Conservation Caribbean Area Committee (referred to in this section as "Committee"), be transferred to any other parcel or parcels of land owned by such applicant in Puerto Rico if such Committee finds that the transfer of the production record will encourage a wise use of land resources, foster greater diversification of agricultural production and promote the conservation of soil and water resources in Puerto Rico, and the Committee determines that such transfer of production record is in the public interest and will facilitate the sale or rental of the land for other productive purposes. The production record of any land removed from sugarcane production because of transfer by sale, lease or donation to any Federal, Commonwealth, or any other agency or entity having the right of eminent domain, shall, upon application to the Committee within five years from the date of such transfer and upon approval by the Committee, be added to the production record, if any, for other land owned, or purchased by the owner of the land so transferred.

STATEMENT OF BASES AND CONSIDERATIONS

Sugar act requirements. Section 301 (b) of the act provides as a condition for payment to producers that there shall not have been marketed (or processed) except for livestock feed or for the production of livestock feed, an amount of sugarcane grown on the farm and used for the production of sugar or liquid sugar in excess of the proportionate share for the farm, as determined by the Secretary pursuant to section 302(b) of the act.

To comply with the foregoing requirements of the act, the proportionate share for any farm may be filled only by sugar produced from sugarcane grown on that farm. Sugarcane grown on one farm may not be marketed for the production of sugar within the proportionate share for another farm.

Section 302(a) of the act provides that the amount of sugar with respect to which payment may be made shall be the amount of sugar commercially recoverable from the sugarcane grown on the farm and marketed (or processed) for sugar or liquid sugar, not in excess of the farm proportionate share.

Section 302(b) provides that in determining the proportionate share for a farm, the Secretary may take into consideration the past production on the farm of sugarcane marketed (or processed) within the proportionate share for the extraction of sugar or liquid sugar and the ability to produce such sugarcane, and that the Secretary shall, insofar as practicable, protect the interests of new producers and small producers, and the interests of producers who are cash tenants, share tenants, or sharecroppers and of the producers in any local producing area whose past production has been adversely, seriously, and generally affected by drought, storm, flood, disease, insects or other similar abnormal and uncontrollable conditions. Section 302(b) also provides that for purposes of establishing proportionate shares and in order to encourage wise use of land resources, foster greater diversification of agricultural production, and promote the conservation of soil and water resources in Puerto Rico, the Secretary, on application by any owner of a farm in Puerto Rico, is authorized whenever he determines it to be in the public interest and to facilitate the sale or rental of land for other productive purposes, to transfer the sugarcane production record for any parcel or parcels of land in Puerto Rico owned by the applicant to any other parcel or parcels of land owned by such applicant in Puerto Rico.

General. Pursuant to the foregoing provisions of the act, proportionate shares for sugarcane farms are established for each crop for use in fixing the amounts of sugar for payment on individual farms. Restrictive proportionate shares are required in an area only when the indicated sugar supply is more than sufficient to fill the quota and provide a normal carryover inventory. Production from the 1961–62 crop is expected to be less than the quantity needed to enable the area to fill its mainland and local quotas and provide a normal carryover inventory. Accordingly, there appears to be no basis for restrictive proportionate shares for the 1961–62 crop.

Determination. This determination provides that the proportionate share for each farm in Puerto Rico for the 1961–62 crop shall be the quantity of sugar commercially recoverable from the sugarcane grown thereon and marketed (or processed) for the extraction of sugar during the 1961–62 crop year. This will permit the marketing for the production of sugar of all sugarcane produced on each farm.

The other provisions of the determination are continued unchanged from those effective for the 1960–61 crop, except that the date by which applications for Sugar Act payments must be filed has been extended one year.

Accordingly, I hereby find and conclude that the foregoing determination will effectuate the applicable provisions of the act.

(Sec. 403, 61 Stat. 932; 7 U.S.C. Sup. 1153. Interprets or applies secs. 301, 302, 61 Stat. 929, 930, as amended; 7 U.S.C. Sup. 1131, 1132)

Effective date: Date of publication.

Signed at Washington, D.C., on November 3, 1961.

CHARLES S. MURPHY,
Acting Secretary of Agriculture.

[F.R. Doc. 61–10666; Filed, Nov. 7, 1961; 8:49 a.m.]

Chapter IX—Agricultural Marketing Service and Agricultural Stabilization and Conservation Service (Marketing Agreements and Orders), Department of Agriculture

PART 1013—MILK IN PLATTE VALLEY, NEBRASKA, MARKETING AREA

Deletion

Notice is hereby given that effective November 1, 1961, the order, as amended, regulating the handling of milk in the Platte Valley, Nebraska, marketing area was merged with and superseded by the order, as amended, regulating the handling of milk in the Nebraska-Western Iowa marketing area (26 F.R. 10160; F.R. Doc. 61-10322), and therefore since that date the Platte Valley, Nebraska, order has not been effective as a separate order. Accordingly, the order, as amended, regulating the handling of milk in the Platte Valley, Nebraska, marketing area should be deleted from the Code of Federal Regulations.

Dated: November 2, 1961, Washington, D.C.

H. C. FEDDERSEN,
Acting Director, Milk Marketing Orders Division, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10665; Filed, Nov. 7, 1961; 8:48 a.m.]

Title 14—AERONAUTICS AND SPACE

Chapter III—Federal Aviation Agency

SUBCHAPTER E—AIR NAVIGATION REGULATIONS

[Airspace Docket No. 61-KC-9]

PART 600—DESIGNATION OF FEDERAL AIRWAYS

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Federal Airway and Associated Control Area

On April 26, 1961, a notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 3572) stating that the Federal Aviation Agency proposed to extend VOR Federal airway No. 479 southward from the Wind Lake, Wis., Intersection to Northbrook, Ill., and to designate the control areas associated with this segment of Victor 479 to extend upward from at least 1,200 feet above the surface or, if appropriate, 500 feet below the minimum IFR en route altitude when established.

On August 1, 1961, a supplemental notice of proposed rule making was published in the FEDERAL REGISTER (26 F.R. 6860) amending the original notice. The supplemental notice proposed that the control areas associated with this segment of Victor 479 extend upward from 700 feet above the surface to the base of the continental control area until such time as all control areas associated with the other airways in the vicinity of Milwaukee, Wis., and Chicago, Ill., can be altered by applying Amendment 60-21 to Part 60 of the Civil Air Regulations.

The Air Transport Association of America concurred with the proposals contained in the notice and supplemental notice. The Department of the Air Force offered no objection to the proposal contained in the notice. The Department of the Navy objected to the proposal contained in the notice because, in their opinion, extension of the airway would impose restrictions to all high and low altitude instrument approaches into NAS Glenview, Ill., would cause undue delays to air traffic arriving and departing NAS Glenview, and cause congestion in the area northwest of NAS Glenview. No other comments were received on the proposals.

The existing route structure between Chicago and Milwaukee was developed to serve air traffic from Chicago/Midway Airport. This traffic is now operating from Chicago/O'Hare International Airport and the existing route structure is no longer adequate to handle the traffic. Preferential routings between Chicago and Milwaukee, without reliance on radar, are via Victor 7 east alternate for northbound traffic and Victor 9 and 429 for southbound traffic. When radar is employed, Victor 7 east alternate is used for northbound traffic and Victor 7 for southbound traffic. However, even with the employment of radar, the present routing is circuitous. The designation of Victor 479 would provide a more direct route between Chicago and Milwaukee and could be used at times when the area is not being used for instrument approaches to NAS Glenview. When instrument approaches are in progress, the Chicago/Milwaukee traffic could proceed by the routings now in effect without penalty to the operations at the Naval Air Station.

Interested persons have been afforded an opportunity to participate in the making of the rules herein adopted, and due consideration has been given to all relevant matter presented.

The substance of the proposed amendments having been published, therefore, pursuant to the authority delegated to me by the Administrator (25 F.R. 12582) and for the reasons stated herein and in the notice and supplemental notice, the following actions are taken:

1. Section 600.6479 (14 CFR 600.6479) is amended to read:

§ 600.6479 VOR Federal airway No. 479 (Northbrook, Ill., to Milwaukee, Wis.).

From the Northbrook, Ill., VORTAC via the INT of the Northbrook VORTAC 348° and the Milwaukee, Wis., VORTAC 161° radials; to the Milwaukee VORTAC.

2. Section 601.6479 (14 CFR 601.6479) is amended to read:

§ 601.6479 VOR Federal airway No. 479 control areas (Northbrook, Ill., to Milwaukee, Wis.).

All of VOR Federal airway No. 479.

These amendments shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 2, 1961.

CHARLES W. CARMODY,
Acting Director, Air Traffic Service.

[F.R. Doc. 61-10645; Filed, Nov. 7, 1961; 8:46 a.m.]

[Airspace Docket No. 61-WA-176]

PART 601—DESIGNATION OF CONTROLLED AIRSPACE, REPORTING POINTS, POSITIVE CONTROL ROUTE SEGMENTS, AND POSITIVE CONTROL AREAS

Alteration of Control Zone

The purpose of this amendment to § 601.2326 of the regulations of the Administrator is to alter the Martha's Vineyard, Mass., control zone by changing its hours of designation.

Northeast Airlines, the weather reporting agency at this location, has advised the hours of weather reporting have been changed to 0800 to 1700 Eastern Standard Time, daily. These hours are expected to remain in effect through June 22, after which the presently designated summer season hours of 0630 to 2300 Eastern Standard Time, daily, June 23 through September 4, annually, will again be in effect.

Therefore, the time of designation of the Martha's Vineyard control zone during the period from September 5 through June 22, annually, is being changed from 0630 to 2130 Eastern Standard Time, daily, to 0800 to 1700 Eastern Standard Time, daily.

Since this amendment imposes no additional burden on the public, notice and public procedure hereon are unnecessary. However, since it is necessary that sufficient time be allowed to permit appropriate changes to be made on aeronautical charts, this amendment will become effective more than 30 days after publication.

In consideration of the foregoing, and pursuant to the authority delegated to me by the Administrator (25 F.R. 12582), the following action is taken: In the text of § 601.2326 (26 F.R. 6810), "This control zone is to be effective during the hours 0630 to 2300 Eastern Standard Time, daily, June 23 through September 4, and 0630 to 2130 Eastern Standard Time, daily, September 5 through June 22, annually." is deleted and "This control zone is to be effective during the hours 0800 to 1700 Eastern Standard Time, daily, September 5 through June 22, and 0630 to 2300 Eastern Standard

Time, daily, June 23 through September 4, annually." is substituted therefor.

This amendment shall become effective 0001 e.s.t., December 14, 1961.

(Sec. 307(a), 72 Stat. 749; 49 U.S.C. 1348)

Issued in Washington, D.C., on November 2, 1961.

CHARLES W. CARMODY,
Acting Director,
Air Traffic Service.

[F.R. Doc. 61-10644; Filed, Nov. 7, 1961; 8:46 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 8355 c.o.]

PART 13—PROHIBITED TRADE PRACTICES

Baker Merchandising Corp. et al.

Subpart—Advertising falsely or misleadingly: § 13.155 *Prices:* § 13.155–40 *Exaggerated as regular and customary;* § 13.155–45 *Fictitious marketing.* Subpart—Neglecting, unfairly or deceptively, to make material disclosure: § 13.1845 *Composition:* § 13.1845–30 *Fur Products Labeling Act;* § 13.1852 *Formal regulatory and statutory requirements:* § 13.1852–35 *Fur Products Labeling Act;* § 13.1865 *Manufacture or preparation:* § 13.1865–40 *Fur Products Labeling Act.*

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Baker Merchandising Corporation et al., New York, N.Y., Docket 8355, Sept. 12, 1961]

In the Matter of Baker Merchandising Corporation, a Corporation, and Samuel B. Baker, Robert C. Baker, and Lawrence Rawlings, Individually and as Officers of Said Corporation

Consent order requiring New York City furriers to cease violating the Fur Products Labeling Act by advertising in newspapers which failed to disclose names of animals producing the fur contained in fur products or that some products contained artificially colored fur, and failed to use the term "Dyed Broadtail-processed Lamb" as required and which represented prices of fur products as having been reduced from so-called regular prices which were in fact fictitious; and by failing to keep adequate records as a basis for pricing claims.

The order to cease and desist is as follows:

It is ordered, That Baker Merchandising Corporation, a corporation, and its officers and Samuel B. Baker, Robert C. Baker and Lawrence Rawlings individually and as officers of said corporation and respondents' representatives, agents and employees directly or through any corporate or other device in connection with the introduction into commerce or manufacture for introduction into commerce, or the sale, advertising, offering for sale, transportation or distribution in commerce of fur products, or in connection with the sale, manufacture for sale, advertising, offering for sale, transportation or distribution of fur products which have been made in whole or in part of fur which has been shipped and received in commerce as "commerce", "fur" and "fur products" are defined in the Fur Products Labeling Act do forthwith cease and desist from:

1. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement or notice which is intended to aid, promote or assist directly or indirectly in the sale or offering for sale of fur products and which:

A. Fails to disclose:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations.

(2) That the fur product contains or is composed of bleached, dyed or otherwise artificially colored fur when such is the fact.

B. Fails to set forth the terms "Dyed Broadtail Processed Lamb" in the manner required.

C. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

D. Misrepresents in any manner the savings available to purchasers of respondents' fur products.

2. Making price claims and representations of the types referred to in paragraph C and D above unless respondents maintain full and adequate records disclosing the facts upon which such claims and representations are based.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: September 12, 1961.

By the Commission.

[SEAL] JOSEPH W. SHEA,
Secretary.

[F.R. Doc. 61-10652; Filed, Nov. 7, 1961; 8:47 a.m.]

Title 19—CUSTOMS DUTIES

Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 55505]

PART 3—DOCUMENTATION OF VESSELS

Enrollments and Licenses for Coasting Trade and Fisheries

The Act of August 30, 1961 (Public Law 87-177, 87th Congress; 75 Stat. 410; T.D. 55488), provides in part that, for the purposes of the laws of the United States relating to documentation, a vessel enrolled and licensed, or licensed, as a vessel of the United States to engage in the fishery shall not be deemed to be used in employment for which not licensed solely because such vessel occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. In order to give effect to that enactment, the following amendment is made in the Customs Regulations:

Section 3.11(b) is amended to read as follows:

(b) A vessel engaged exclusively in the cod fishery shall be licensed for that fishery. A vessel engaged in whaling shall be licensed for the whale fishery. A vessel engaged in taking fish of any other description shall be licensed for the mackerel fishery. A vessel licensed for the fisheries shall not be deemed to be used in employment for which not licensed solely because it occasionally takes on board on the high seas and transports without a monetary consideration to a port of the United States the catch of another fishing vessel of the United States. A vessel which engages in both the coasting trade and fishing (other than whaling) may be licensed for the "coasting trade and mackerel fishery." A vessel engaged in taking out fishing parties is not a fishing vessel and shall be licensed for the coasting trade unless it intends to proceed to a foreign port, in which case a certificate of registry is required. (See § 3.10. See § 3.40 for vessels on the Great Lakes.)

The parenthetical matter appearing at the end of paragraph (d) is amended to read as follows:

(R.S. 4311, as amended, 4321, as amended, sec. 7, 24 Stat. 81, as amended, 75 Stat. 410; 46 U.S.C. 251, 263, 319, 404)

(R.S. 161, sec. 2, 23 Stat. 118, as amended; 5 U.S.C. 22, 46 U.S.C. 2)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: October 30, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10675; Filed, Nov. 7, 1961; 8:50 a.m.]

[T.D. 55504]

PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

Deposit of Register Upon Entry

To give effect to a Bureau ruling reflecting administrative practice and relieving certain small party fishing vessels from the requirement of depositing their registers upon making entry, the second sentence of § 4.9(b) of the Customs Regulations is amended to read as follows: "The master shall deposit his register or frontier enrollment with the collector before or at the time of entry, except that the register may be returned upon request to the master in the case of a

vessel of less than 100 gross tons engaged in taking out fishing parties."

(Sec. 434, 46 Stat. 711, as amended; 19 U.S.C. 1434)

[SEAL] D. B. STRUBINGER,
Acting Commissioner of Customs.

Approved: November 1, 1961.

JAMES POMEROY HENDRICK,
Acting Assistant Secretary of the Treasury.

[F.R. Doc. 61-10674; Filed, Nov. 7, 1961; 8:50 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter I—Bureau of Employees' Compensation, Department of Labor

PART 25—COMPENSATION FOR DISABILITY AND DEATH OF NON-CITIZENS OUTSIDE THE UNITED STATES

Criteria for Payment of Compensation

The Department of Labor Appropriation Act, 1962 (75 Stat. 589, 594), in providing an appropriation for compensation benefits payable in accordance with section 42 of the Act of September 7, 1916, as amended (39 Stat. 750, as amended; 5 U.S.C. 793), provided further that for the compensation benefits payable from the appropriation, the authority under section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended; 5 U.S.C. 783), to make rules and regulations shall be construed to include the nature and extent of the proofs and evidence required to establish the right to such benefits without regard to the date of the injury or death for which claim is made. A comparable provision was contained in the Department of Labor Appropriation Act, 1960 (72 Stat. 339, 342) and in the Department of Labor Appropriation Act, 1961 (74 Stat. 755, 759). A regulation implementing the special provision in the Department of Labor Appropriation Act, 1960, was published in the FEDERAL REGISTER on September 23, 1959 (24 F.R. 7638), by adding § 25.5 to Title 20, Code of Federal Regulations. An extension of that regulation indicating that it applied to compensation benefits payable from the Department of Labor Appropriation Act, 1961, was published in the FEDERAL REGISTER on October 29, 1960 (25 F.R. 10429). A further extension of that regulation is timely, indicating that it applies to compensation benefits payable from the appropriation made under the Department of Labor Appropriation Act, 1962.

Therefore, pursuant to section 32 of the Act of September 7, 1916, as amended (39 Stat. 749, as amended, 5 U.S.C. 783), the Department of Labor Appropriation Act, 1962 (75 Stat. 589, 594), Reorganization Plan No. 19 of 1950 (15 F.R. 3178, 64 Stat. 1271), and General Order No. 46 of the Secretary of Labor (15 F.R. 3290), 20 CFR 25.5 is hereby revised to read as follows:

§ 25.5 Applicable criteria.

(a) The following criteria shall apply to cases of employees specified in § 25.1 and such cases, if otherwise compensable, shall be approved only upon evidence of the following nature without regard to the date of the injury or death for which claim is made:

(1) Appropriate certification by the Federal employing establishment, or;

(2) An Armed Services casualty or medical record; or;

(3) Verification of the employment and casualty by military personnel, or;

(4) Recommendation of an Armed Services "Claim Service" based on investigations conducted by it.

(b) This section shall apply only in the adjudication of claims for benefits payable from the appropriation provided in the Department of Labor Appropriation Act, 1962.

(75 Stat. 759)

This revision shall become effective immediately upon publication in the FEDERAL REGISTER.

Signed at Washington, D.C., this 23d day of October, 1961.

WILLIAM MCCAULEY,
Director,
Bureau of Employees' Compensation.

[F.R. Doc. 61-10655; Filed, Nov. 7, 1961; 8:47 a.m.]

Title 32—NATIONAL DEFENSE

Chapter V—Department of the Army

SUBCHAPTER A—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 507—MANUFACTURE OF DECORATIONS

Revision

Part 507 is revised to read as follows:

Sec.
507.1 Purpose.
507.2 Statutory authority.
507.3 Authority to manufacture and sell.
507.4 Articles authorized for manufacture and sale.
507.5 Articles not authorized for manufacture and sale.
507.6 Violations and penalties.
507.7 Government contracts and agreements.
507.8 Possession and wearing.
507.9 Reproductions.

AUTHORITY: §§ 507.1 to 507.9 issued under sec. 3012, 70A Stat. 157; 10 U.S.C. 3012. Interpret or apply secs. 701 and 704, 62 Stat. 731, 732; 18 U.S.C. 701, 704.

SOURCE: AR 672-8, October 10, 1961.

§ 507.1 Purpose.

The regulations of this part prescribe the Department of the Army policy governing the manufacture, sale, reproduction, possesion, and wearing of military decorations, medals, badges, and insignia.

§ 507.2 Statutory authority.

(a) The wear, manufacture, and sale of military decorations, medals, badges, their components, and appurtenances, or colorable imitations of them, are governed by title 18, United States Code, section 704.

(b) The manufacture, sale, possession, and reproduction of badges, identification cards, insignia, or other designs, prescribed by the head of a United States department or agency, or colorable imitations of them, are governed by title 18, United States Code, section 701.

§ 507.3 Authority to manufacture and sell.

(a) Certificates of authority to manufacture articles listed in § 507.4 will be granted by The Institute of Heraldry, U.S. Army, as class II activity under the jurisdiction of The Quartermaster General.

(1) All articles must be manufactured in accordance with specifications prescribed or authorized by the Department of the Army.

(2) The certificate of authority is valid only for the individual, firm, or corporation indicated and at the address stated thereon. Any change in name or address will result in cancellation of certificate. Manufacturers will be required to make application for new certificates, in order to continue manufacturing.

(3) Application for initial grant and renewal of certificates is the responsibility of the manufacturers. Applications for renewal are required to be filed with The Institute of Heraldry, U.S. Army, at least 60 days prior to expiration date of existing certificate.

(b) No certificate of authority is required to sell articles listed in § 507.4.

§ 507.4 Articles authorized for manufacture and sale.

(a) The articles listed below are authorized for manufacture and sale:

(1) All authorized insignia.

(2) Appurtenances and devices for decorations, medals, and ribbons such as oak-leaf clusters, service stars, arrowheads, V-devices and clasps, both regulation and miniature sizes.

(3) Badges and bars, both miniature (where authorized) and regulation sizes.

(4) Department of the Army General Staff Identification.

(5) Distinguished unit badges, fourrageres, and the orange lanyard.

(6) Lapel buttons.

(7) Miniature replicas of decorations and service medals, including miniature ribbons.

(8) Replicas of decorations and service medals for grave markers only. (These are to be at least twice the size prescribed for decorations and service medals.)

(9) Ribbons pertaining to decorations and service medals.

(10) Rosettes.

(b) Variations from the prescribed specifications, forms, and sizes of articles listed in this section are not permitted without prior approval in writing of The Institute of Heraldry, U.S. Army.

§ 507.5 Articles not authorized for manufacture and sale.

(a) Manufacture and/or sale of regulation size decorations and service medals is prohibited.

(b) The incorporation of designs or likenesses of decorations, service medals, badges, and service ribbons in articles manufactured for public sale is prohibited.

(c) Designs or likenesses of insignia may be incorporated in articles manufactured for public sale only when permission has been granted in writing by The Institute of Heraldry, U.S. Army. In the case of the Honorable Service Lapel Button, a general exception is made to permit the incorporation of that design in articles manufactured for public sale provided that such articles are not suitable for wear as lapel buttons or pins.

§ 507.6 Violations and penalties.

A certificate of authority to manufacture will be revoked by The Institute of Heraldry, U.S. Army, upon intentional violation by the holder thereof of any of the provisions of this part, or as a result of not complying with the agreement he signed in order to receive a certificate. Issuance of a certificate of authority to manufacture will be refused upon proof of a violation of the regulations of this part by the applicant. Such violations are subject also to the penalties prescribed in the acts of Congress (§ 507.2). A repetition or continuation of violations after official notice thereof will be deemed prima facie evidence of intentional violation.

§ 507.7 Government contracts and agreements.

The provisions of this part do not affect contracts for manufacture and sale to the United States Government.

§ 507.8 Possession and wearing.

(a) The wearing of any decoration, service medal, badge, service ribbon, lapel button, or insignia prescribed or authorized by the Department of the Army by any other person not properly authorized to wear such device or their use to misrepresent the identification or status of the person by whom worn is prohibited. Any person who offends against this provision is subject to punishment as prescribed in statutes referred to in § 507.2.

(b) Mere possession by a person of any of the articles prescribed in § 507.2 (except identification cards) is authorized provided such possession is not used to defraud or misrepresent the identification or status of the individual concerned.

(c) Articles specified in § 507.2 or any distinctive parts (including suspension ribbons and service ribbons) or colorable imitations thereof will not be used by any organization, society, or other group of persons without prior approval in writing of the Secretary of the Army.

§ 507.9 Reproductions.

(a) The photographing, printing, or in any other manner making or executing any engraving, photograph, print, or impression in the likeness of any decoration, service medal, badge, service ribbon, lapel button, insignia, or other device or the colorable imitation thereof of a design prescribed by the Secretary of the Army for use by members of the Army is authorized provided such reproduction does not bring discredit upon the military service, and further, is not used to defraud or to misrepresent the identification or status of an individual, organization, society, or other group of persons.

(b) For use for advertising purposes of any engraving, photograph, print, or impression of the likeness of any Department of the Army decoration, service medal, badge, service ribbon, lapel button, insignia, or other device (except the honorable service lapel button) is prohibited without prior approval in writing of the Secretary of the Army except when used to illustrate a particular article which is offered for sale.

(c) The reproduction in any manner of the likeness of any identification card prescribed by the Department of the Army is prohibited without prior approval in writing of the Secretary of the Army.

J. C. LAMBERT,
Major General, U.S. Army,
The Adjutant General.

[F.R. Doc. 61-10673; Filed, Nov. 7, 1961; 8:49 a.m.]

Title 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 96—AIR TRANSPORTATION

Subpart E—First Class Mail (FCM) by Air

The regulations of the Post Office Department in Part 96 as published in 26 F.R. 2299-2310, and amended by 26 F.R. 4693, and 26 F.R. 9943-9945, are further amended by adding a new Subpart E—First Class Mail (FCM) By Air to include regulations concerning the airlift program of the Department. Order No. E-17255, adopted by the Civil Aeronautics Board on July 31, 1961, established, effective September 16, 1961, a uniform final rate for trunkline, cargo, and local service air carriers. Under the terms of the Board order, the forms and procedures described in this new Subpart E of Part 96 are subject to changes for the purpose of achieving greater simplicity where mutually agreeable to the Department and the air carriers. As so added, Subpart E reads as follows:

Sec.
96.45 Definition.
96.46 Authority, rates, and service.
96.47 Responsibility for FCM program.
96.48 Forms and procedures for dispatching and receiving FCM.
96.49 Reporting and processing FCM irregularities.
96.50 Supply of forms.

AUTHORITY: §§ 96.45 through 96.50 issued under R.S. 161, as amended; secs. 405, 406, 72 Stat. 760, 763; 5 U.S.C. 22, 39 U.S.C. 501, 6301-6304, 49 U.S.C. 1375, 1376.

§ 96.45 Definition.

The term "First-Class Mail By Air (FCM)" is used to describe first-class mail, other than airmail and air parcel post, which is authorized for transportation by aircraft between designated points on a space-available nonpriority basis. The mail to be included is:

(a) All mail paid at first class rate, and busines reply mail.

(b) All official U.S. Government mail endorsed "First Class."

(c) All other sealed official U.S. Government letter size mail except volume shipments on which it is known, or can be determined, the mailer does not expect air service.

At exchange offices, ordinary military official mail and ordinary APO and FPO (i.e., personal) mail may properly be included in airlift dispatches over all authorized segments.

§ 96.46 Authority, rates, and service.

(a) *Civil Aeronautics Board.* Order No. E-17255, adopted by the Civil Aeronautics Board on July 31, 1961, established rates for the transportation of FCM on a voluntary, space-available basis effective September 16, 1961. The rates are based on a multi-element rate formula, including line-haul and terminal charges at rates 50 percent of those prescribed for air transportation of airmail within the continental United States. A higher line-haul charge of 18 cents per mail ton-mile (vs. 15.085 cents per mail ton-mile on the basis of ½ of the airmail line-haul charge) is prescribed for transportation between points in Alaska and the nearest point in the 48 contiguous States. A composite FCM rate table is published by the Director, Air Transportation.

(b) *Post Office Department*—(1) *Authorizations.* Authorizations for dispatch of FCM are made by the Bureau of Transportation, Washington 25, D.C. All present authorizations are continued unchanged but no expansion of the FCM program, either with respect to the mail to be flown or the airlift segments involved, is to be made unless authorized by the Bureau of Transportation.

(2) *Interline transfers*—(i) *Trunkline and cargo air carriers.* (*a*) FCM will not be tendered by any postal unit if an intermediate transfer to another air carrier would be required to provide transportation to the intended destination except where such interline transfers have been mutually agreed to by the carriers involved and the Department.

(*b*) Where single carrier service between any authorized points is believed inadequate, and an interline transfer of value is available, the distribution and traffic manager in the dispatching region will request the Director, Air Transportation, to consider the possibility of arranging with the carriers involved for establishment of such a mutually agreeable interline transfer.

(*c*) Full particulars will be furnished to all concerned by the Director of Air Transportation whenever interline transfers are agreed upon.

(*d*) Through interchange flights, operated by two or more carriers, shall not be considered as interline transfers.

(*e*) See § 96.47(a)(4)(ii) for instructions concerning transfers to another air carrier which may be directed when mail has been irregularly handled.

(ii) *Local service air carriers.* No interline transfers in ordinary circumstances are authorized between local

service air carriers or between trunkline and local service air carriers. See § 96.47(a)(4)(ii) (*b*) and (*c*) concerning permissible interline transfers between any domestic air carriers when service has been interrupted.

(c) *Division of FCM*—(1) *When to make.* When two or more authorized carriers operate between the same pair of points, and the criteria shown in subparagraph (2) of this paragraph exists, the FCM shall be divided on an equitable basis by the dispatching unit with due consideration to the availability of space and the needs of the postal service.

(2) *Criteria for division*—(i) *Volume.* (*a*) The total volume of FCM for each separate destination point, arriving at the airport of dispatch via each vehicle service (VS) or mail messenger (MM) truck, will be considered in the division.

(*b*) No division will be warranted unless 200 or more pounds are available for dispatch. However, the local postal unit will endeavor to assign the shipments alternately to the available carriers having space to prevent one carrier consistently receiving "less than division" lots.

(ii) *Air carrier schedules.* (*a*) Carriers eligible to participate in a division of FCM arriving at an airport by each VS or MM are those which have "any" scheduled service to the destination city within a 4-hour period thereafter, regardless of arrival time.

(*b*) Generally at major points, this 4-hour period will commence no later than "60 minutes" after arrival at the airport of the VS or MM trip. At smaller stations, the time period may commence immediately upon arrival of the surface connection at the airport. The D&TM of the region having jurisdiction of the dispatching postal unit will establish the appropriate time period which will apply at that point and notify all concerned.

(*c*) Whenever FCM is available for dispatch, and "no" flights are scheduled to a destination during the next 4-hour period, the usual division of FCM will not apply. In these circumstances, the FCM will be divided among those carriers having service scheduled to depart within 90 minutes following the period of no service, except that the instructions in (*f*) of this subdivision will apply.

(*d*) The regular "Origin and Destination Schedules" will be used to determine the availability of scheduled service. In the event an air carrier desires to have other schedules included (e.g., trips involving an intra-line transfer, or multiple stops), this information must be submitted to the D&TM having jurisdiction, with copies to the competitive carriers. Schedules of this type will be included with those in the O/D schedules by the D&TM in determining the proper allocations of FCM. Although it will not be necessary for these schedules to be published in the "Origin and Destination Schedules", they may, if desired, be included by preceding the listing with an ampersand "&".

(*e*) An air carrier can participate in a division of FCM on only those days when there is scheduled service by that carrier within the specified 4-hour period.

(*f*) When one air carrier has service arriving in time for connection to a letter carrier delivery trip not provided by competing carriers, the division shall be accomplished by dispatch of the city pouches to that carrier. Usually, the dispatch of city pouches by one carrier and the dispatch of AMF or Dis pouches by another carrier, or carriers, will accomplish an equitable division. When the routing of city mail by one carrier, or to one airport in multiple airport situations, is advantageous to the postal service, "no" division will be made of the city mail even though this results in an unequal tender to one carrier.

(*g*) An air carrier participating in a division of FCM having knowledge that he will be unable to transport such mail within the specified 4-hour period is required to notify the local postal unit before the division is made. Observance of this requirement will permit equitable division between carriers without loss of space availability.

(*h*) Adjustments in each separate division will be made when there are air carrier schedule changes involving establishment, revision, or elimination of particular flights which warrant such action.

(iii) *Multiple airport cities*—(*a*) *At origin point.* The division will be determined separately at each airport involved.

(*b*) *At destination point.* (*1*) FCM for a destination point which is a multiple airport city will be considered as a single total and those carriers with "any" service scheduled during the specified 4-hour period from the origin point to any one of the destination airports shall participate in the division. In the event the receiving region desires routing to a particular airport, as described in (*b*) (2) of this subdivision, an equal division will be made only to the extent possible while still providing service to the airport specified.

(2) All FCM cannot be handled interchangeably at different airports to equal advantage. The D&TM of the receiving region will determine what arrangements may be necessary to assure receipt at the most advantageous airport. (Example: the dispatch of pouches of New Jersey FCM labeled to "Newark, N.J. Dis" may not be desired to Idlewild or La Guardia airports when following service is available to the Newark airport.)

(iv) *Stockpiling FCM.* Postal units will make local arrangements with air carriers for stockpiling FCM when it is mutually advantageous and agreeable. Air carriers shall not be required to accept FCM for protection and storage pending shipment, but may elect to do so if tendered by the Postal Service.

(d) *Registered FCM*—(1) *Units authorized to dispatch airlift registers.* The designated postal units at each airlift point will be the only units authorized to make-up and dispatch registered airlift mail. Mobile units and satellite offices due to dispatch airlift mail through this point will dispatch registers to the designated postal unit for consolidation and dispatch.

(2) *Make-up and dispatch by authorized airlift dispatch units.* (i) All registered mail for dispatch in the airlift will be made up in rotary locked pouches or jackets. Direct pouches warranted by volume will be made. Pouches or jackets will be made up by the designated dispatching unit at the authorized airlift point, labeled to the authorized distribution unit at the airlift destination. The dispatching unit will reinclose the rotary locked pouch or packet in an iron locked or snap seal pouch labeled to the airlift destination. Each outer pouch will contain a manifold bill covering only the jackets or pouches enclosed.

(ii) First class registered articles for delivery within the 48 contiguous states, which because of their size or content cannot be enclosed in a pouch, will not be dispatched via "airlift." They will be given the most expeditious surface dispatch. Articles of this nature handled between the 48 contiguous states, and the offshore points, Alaska, Hawaii, and Puerto Rico, will be handled in the airlift.

§ 96.47 Responsibility for FCM program.

(a) *Air carriers*—(1) *Transportation on space-available basis.* Air carriers will transport FCM on a voluntary, space-available basis to the destination shown on the dispatch record and pouch label. The Civil Aeronautics Board order prescribes that no air carrier shall transport FCM if such transportation impedes the carriage of priority airmail, passengers, passenger baggage, air parcel post, air express, or regular air freight, except that FCM which has been loaded in the aircraft need not be removed to permit carriage of regular air freight received thereafter or received at an intermediate point. The movement of FCM by air shall have priority over the movement of deferred air freight.

(2) *Notification to postal units.* The local unit must be promptly informed of any delay or inability to transport mail which has been tendered in order that consideration may be given to utilization of any alternate routings which may be available to move the mail. An air carrier which has carried FCM beyond, or off-loaded short of, the billed destination must also promptly notify the postal unit at the point where FCM is on hand and receive instructions as to the best disposition to be made of the mail.

(3) *Dispatch within four hours—trunkline and cargo air carriers.* In the event any or all of the FCM has not been dispatched by a trunkline or cargo air carrier within 4 hours after receipt at the initial point (or 4 hours after anticipated dispatch in the event of early receipt for preloading on a flight where available space is anticipated), the carrier shall notify the postal unit. On instructions from the postal unit, the FCM shall be (i) returned by the carrier to the custody of the Postal Service at the place where the initial delivery was made, (ii) delivered at the holding carrier's facilities at the airport of dispatch to another designated carrier which has space available and which will pick up the mail within a reasonable time, or

(iii) held for an additional period if acceptable to the carrier.

(4) *Requirements for transfer of FCM.* (i) Local service carriers must make any necessary intraline transfers to other trips of the same carrier in order to provide transportation to the destination listed on the original dispatch record. Interline transfers of FCM to another air carrier are not authorized in ordinary circumstances; See subdivision (ii) (*b*) and (*c*) of this subparagraph concerning permissible interline transfers when service has been interrupted.

(ii) Trunkline and cargo air carriers will not be required to transfer FCM to other carriers except:

(*a*) When mutually agreeable transfers have been agreed upon. See § 96.46 (b) (2) (i) (*b*);

(*b*) When FCM is inadvertently transported to a destination other than that to which due and the carrier does not have service within 2 hours on which space is available to the intended destination and another carrier can provide the needed space with earlier arrival at destination;

(*c*) When a carrier must unload FCM at an intermediate point and has no service or space within 4 hours and another carrier can provide the needed space with earlier arrival at destination.

(5) *Delivery requirements.* Priority in delivery, equivalent to airmail, to the destination postal unit cannot be required. Delivery of FCM shall be made as soon as practicable and without unwarranted delay.

(6) *Protection of mail.* FCM must be protected from the weather and possible depredation and accorded the same care and safeguards as is given regular airmail. The provisions of § 96.1(b)(1) must be observed.

(7) *Applicability of pertinent sections of this part.* The provisions of §§ 96.1 (b)(1) and (c), 96.3(a)(1) (except with respect to time), and §§ 96.23 and 96.24 (except with the reference to airmail forms), apply to the handling of FCM by air carriers.

(b) *Postal units.* Airport mail facilities and air stop point post offices are responsible for:

(1) Excluding from FCM dispatches any nonmailable articles coming to their attention which are not acceptable for transportation by air. See Parts 14 and 15 of this chapter for responsibility of mailers and accepting clerks.

(2) Utilizing such equipment and locking devices as may be designated from time to time for FCM dispatches.

(3) Preparing regular surface labels to identify FCM dispatchers, underscoring the destination postal unit with a red line and showing proper air stop point coding to the destination airport. See § 96.48(a).

(4) Assuring that mail messenger or vehicle service, as necessary, is provided for delivery and receipt of FCM.

(5) Reporting irregularities in service to the distribution and traffic manager on Form 2759, "Report or Irregular Handling of Airmail," appropriately checked to indicate "FCM", for necessary action.

(6) Attempting to have FCM which is off-loaded short of, or carried beyond, the intended destination continued onward by air by means of transfer on Form 2715–B to an air carrier having available service. See § 96.48(e)(4).

(7) Redispatching by air to the intended destination any FCM which is irregularly off-loaded and turned in to the postal unit; provided, that onward air dispatch is superior to available surface transportation. Form 2715-X procedure will be used at those points where dispatches to any point are made in that manner. Otherwise, Form 2713 will be prepared with source from which mail was received appropriately noted thereon.

(c) *Distribution and traffic manager.* The Distribution and traffic manager is responsible for:

(1) Notifying postal unit concerning authorized dispatches, air carriers involved, and dates or other particulars of service.

(2) Issuing appropriate instructions concerning the labeling of pouches, mail due dispatch, time of advantageous tie-outs, and other local arrangements or requirements.

(3) Assuring that no improper diversions of mail are made to FCM dispatches which has been authorized.

(4) Evaluating promptly any FCM irregularities reported by dispatching or receiving postal united on Forms 2759.

(5) Reporting to Director, Air Transportation, any failure by air carriers to promptly correct unsatisfactory conditions so that remedial action may be taken.

§ 96.48 Forms and procedures for dispatching and receiving FCM.

(a) *Labeling and marking*—(1) *FCM pouches.* The dispatching postal employee shall label FCM pouches with regular surface labels and underscore destination with a red line to identify as FCM dispatches. When dispatch is to a postal unit that is not an air stop point, enter on the label the official code letters for the final air stop off-loading point. Bracket code letters. Show contents of pouch on descriptive line of label, e.g. "Illinois." Enter the weight on the label in the same manner as for airmail except that the weight need not be shown on the individual labels where bulk weighing has been authorized.

(2) *First-class outsides.* When it is not possible to enclose a first-class piece in a pouch or sack, use crayon or indelible pencil to enter weight and "FCM" endorsement in large figures near address. When the outside is billed to an airport not located at city shown in address, also prominently show the airport destination code in brackets.

(b) *Form 2713–X, receipt from air carrier*—(1) *Use.* Form 2713–X is used for FCM dispatches over trunkline and cargo air carriers.

(2) *Who prepares.* The form is prepared by the designated clerk at the airport mail facility or the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and one copy for each dispatch of FCM and maintain a separate series for each carrier destination:

(*a*) *Bill No.* —. Number consecutively, beginning with No. 1, each Form 2713–X prepared during the 24-hour period. (Where desirable, a 24-hour period extending from other than 0001 to 2400 may be established by appropriately notifying all concerned.)

(*b*) *Air carrier.* Show name of air carrier due to receive the FCM dispatch.

(*c*) *Dispatch From.* Enter airstop-alpha code.

(*d*) *Destination.* Enter alpha code of airstop point to which routed. For interchange trips, show code for destination where transportation by first carrier terminates followed by ultimate destination in brackets.

(*e*) *Date.* Enter date delivered to air carrier.

(*f*) *Pouches and pieces.* Enter total number of pouches and outsides and total weight.

(ii) *Air stop post offices.* Prepare Form 2713–X in manner described in subdivision (i) of this subparagraph with the following additional requirements:

(*a*) Prepare original and "two" copies.

(*b*) Give original and first copy to mail messenger or vehicle service driver with related FCM for delivery to carrier at airport.

(3) *Delivery to air carrier representative.* The forms, in duplicate, will be delivered with the related FCM to air carrier representative who will:

(i) Verify that total number of pieces agree with total shown on form.

(ii) Enter time FCM received, sign both copies and enter initials of airline.

(iii) Return signed duplicate copy to postal representative (AMF clerk, mail messenger or vehicle service driver) for return to postal unit.

(4) *Retention by postal unit.* AMF or PO clerk designated will file receipted copies of Form 2713–X by carrier, date and bill number order for later use in verification of Form 2715–X, "Carrier Record of FCM Dispatched by Air." Post offices should discard the second copy of Form 2713–X which was held pending return of signed duplicate copy by MM or VS driver.

(c) *Form 2715–X carrier record of FCM dispatched by air.* (1) Air carriers receiving FCM on Forms 2713–X, "Carrier Record of FCM Dispatched by Air", to provide a record for each 24-hour period of FCM dispatched to the various destinations.

(2) *Who prepares.* The form is prepared by the air carrier representatives as follows:

(i) Prepare original and one copy for each destination. Where dispatches are regularly made to a destination, but for any reason "no" dispatch is made on a particular date, prepare Form 2715–X and mark "Nil".

(ii) Complete headings.

(iii) Post under heading "Received From AMF":

(a) Pieces and weight of mail carried forward from previous day.

(b) In bill order number, promptly on receipt of related mail described on each Form 2713–X.

(c) Pieces and weight of mail received by transfer from other carriers on Forms 2715–B.

(d) At the close of the 24-hour period, add pieces and weight and enter on "Total" line.

(iv) Post under heading "Transported by Carrier":

(a) Pieces, weight and trip number on which FCM boarded. For FCM dispatched to interchange trips, show under "Remarks" the ultimate destination in brackets.

(b) At the close of the 24-hour period, add pieces and weight of mail boarded and enter total.

(c) Total pieces and weight of mail from Forms 2715–B covering mail transferred to another carrier. Also, total pieces and weight from Forms 2753, "Receipt to Airline", for mail returned to the postal unit.

(d) Inventory any mail stockpiled and enter total pieces and weight of mail on hand.

(e) Total pieces and weight. Verify that the total balances with the total under "Received from AMF" column.

(v) Sign and present Form 2715–X (original and one copy) to postal unit for verification.

(vi) The portion of Form 2715–X under "Carrier's Statement of Service Performed" should not be completed.

(3) *Postal unit verification.* (i) The air carrier preparing Form 2715–X will arrange to submit the form daily following the close of the 24-hour period to the postal unit from which FCM is received for verification.

(ii) The designated postal clerk will verify that:

(a) The figures for pieces and weight brought forward from previous day are correct by checking Form 2715–X for previous day.

(b) Duplicate copies of Form 2713–X agree with related entries under heading "Received From AMF".

(c) The balancing totals are correct and agree.

(d) No mail was held for more than a 4-hour period without approval of the postal unit.

(e) All discrepancies are reconciled with carrier representative and that any correction to the original and copy of Form 2715–X are made in the identical manner.

(4) *Disposition of copies.* (i) After the verification has been completed, the postal clerk will sign both the original and copy and return the original Form 2715–X to the air carrier representative for transmittal to the general offices of the company to support the carrier's claim for compensation for service performed.

(ii) Postal units will forward duplicate copies of Forms 2715–X weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d)(3).) Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(d) *Form 2713, dispatch record of first-class mail by air*—(1) *Use.* Form 2713 is used for FCM dispatches over local service air carriers; and on the West Coast, over trunkline air carriers between points where no 24-hour dispatch is made on Forms 2715–X.

(2) *Who prepares.* The form is prepared in triplicate by the designated clerk at the airport mail facility or by the dispatching clerk at the air stop post office as follows:

(i) *Airport mail facilities.* Prepare original and two copies of Form 2713 for each trip to which FCM is dispatched as follows:

(a) Complete origin code block and first line across top of form. In the "Mail Ready" space, enter the time at which the FCM and forms are ready for delivery to the air carrier. (The departure time must be entered subsequently on AMF files copy on basis of information received from air carrier.)

(b) Head columns on form, from left to right in station order served by trip, with three-letter alpha code for destination to which FCM is dispatched.

(c) Provide separate column for listing FCM for dispatch to destination not served by trip of dispatch, and requiring "intraline" transfer to another trip of the same carrier (interline transfers by local service air carriers are NOT authorized), adjacent to column in which local FCM for the transfer point is recorded. Show (1) the actual or ultimate on-line destination of FCM, and (2) code of transfer point and trip being connected.

(d) Bulk list total pieces and total pounds of FCM due off at each stop point under appropriate destination column, cross add pieces and pounds, enter "Grand Total" in block at bottom of form and sign in space provided.

(ii) *Air stop post offices.* Preparation of Form 2713 is identical with procedures shown for airport mail facilities under subdivision (i) of this subparagraph.

(3) *Delivery to air carrier representative*—(i) *Airport mail facilities.* Designated AMF clerk will deliver all three copies of Form 2713, with carbon interleaved, with the related FCM to air carrier representative who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Have AMF clerk appropriately correct all copies of form when a discrepancy is discovered between actual FCM count and number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to AMF clerk.

(ii) *Air stop post offices.* Dispatching clerk will give all three copies of Form 2713, with carbon interleaved, to the mail messenger or vehicle service driver with the related FCM for transportation to the airport. Require check to be made of total pieces of FCM against total listed on Form 2713. MM or VS driver, in turn, will deliver all copies of form with related FCM to air carrier representative at airport who will:

(a) Verify that total number of pieces agree with total shown on form.

(b) Correct all copies of Form 2713, in presence of MM or VS driver, when a discrepancy is discovered between actual FCM count and the number of pieces shown on Form 2713.

(c) Sign all copies of form, showing initials of carrier, and hand duplicate copy to MM or VS driver for return to the post office.

(4) *Voiding of Form 2713.* When none of the FCM tendered is transported, mark all copies of related Form 2713 "Void" and return to the dispatching postal unit with the FCM. The postal representative accepting the returned FCM must verify that all copies of the Form 2713 have been returned and properly voided. The original and second copy may then be destroyed.

(5) *Disposition of copies.* AMF or PO clerk designated will file duplicate copies of all Forms 2713, including those voided, by carrier in trip and date order. Forward all copies weekly to the regional controller designated to pay FCM claims for the air carrier involved. (See § 96.5(d)(3)). Use envelope P–87–RC and forward promptly following the close of the last FCM dispatch each Friday.

(e) *Form 2715–B, record of FCM transferred or irregularly off-loaded*—(1) *Use.* Form 2715–B serves as a report of irregular transfers of FCM between trunkline and/or cargo air carriers at point of origin as well as at intermediate points short of destination. The form also serves as an irregularity report to be submitted by a local service air carrier where service is not provided to the destination shown on the dispatch record and pouch label. It is an accounting document for service not performed. It is also to be used in connection with dispatches over interchange trips, where authorized, to provide a settlement document for the subsequent carrier(s).

(2) *Who prepares.* The delivering air carrier prepares the form, in quadruplicate, except for dispatches over authorized interchange trips the dispatching postal unit will prepare Form 2715–B.

(3) *At origin point of FCM.* Form 2715–B is used by a carrier to record the transfer of FCM which it is unable to transport within four hours after receipt from the postal unit at the initial or origin point. (See § 96.47(a)(3).) The following procedures will be observed:

(i) The delivering air carrier will present all four copies of the form, with carbon interleaved, to the receiving carrier with the related FCM and obtain the signature of the representative of the receiving carrier. After signature has been secured, the delivering carrier will hand the original form to the receiving carrier, forward the first and second copies to the local AMF or post office and retain the third copy. The delivering carrier will enter the number of pieces and pounds shown on Form 2715–B in the space provided on the right hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iv) of this section. Related Forms

2715–B and 2715–X should be sent together to the accounting office of the carrier.

(ii) The receiving air carrier will enter pieces and pounds shown on Form 2715–B in the space provided on the left hand side of Form 2715–X covering dispatches to the destination point of the FCM involved. See paragraph (c)(2)(iii) of this section. Related Forms 2715–B and 2715–X should be sent together to the accounting office of the carrier.

(iii) The designated AMF or post office clerk will verify that proper entries have been made on Forms 2715–X by the carriers involved, staple the first copy of Form 2715–B to the PO copy of the receiving carrier's related Form 2715–X and staple the second copy to the PO copy of the delivering carrier's related Form 2715–X for transmittal to the appropriate paying regional controller. See paragraph (c)(4) of this section.

(4) *At intermediate transfer points.* (i) When FCM is off-loaded at a point short of billed destination, the postal unit at that point must be contacted for instructions as to disposition. On the basis of available schedules and space, and the needs of the postal service, the air carrier will be directed to:

(*a*) Hold for subsequent trip of same carrier. No Form 2715–B is required in such cases.

(*b*) Transfer FCM to another carrier who has available space to destination on an advantageous schedule. See § 96.47(a)(4)(ii).

(*c*) Deliver FCM to local postal unit for onward air or surface transportation to destination. When FCM is returned to the custody of the postal service at an intermediate point, onward air transportation can be accorded only when the intermediate point has existing authority to dispatch FCM by air to the intended destination.

(ii) When FCM is being transferred to another carrier or delivered to the local postal unit, the delivering carrier will present all four copies of Form 2715–B, with carbon interleaved, to air carrier or postal unit, respectively, with the related FCM and obtain signature to acknowledge receipt. The delivering carrier will then hand the original to the receiving carrier or the postal unit, forward the first and second copies to the local postal unit, and retain the third copy. Air carriers involved in such transfers must refer their respective copies to their accounting offices for necessary billing adjustments.

(iii) The postal unit will distribute copies as follows:

(*a*) Original, when received with related FCM, to paying regional controller for the delivering carrier along with first copy.

(*b*) First copy to paying regional controller for the delivering carrier.

(*c*) Second copy, "when transfer of FCM is made to another carrier", to paying regional controller for the receiving carrier.

(*d*) Second copy, "when FCM is deliver to postal unit", to distribution and traffic manager with Form 2759 irregularity report which is to be prepared and submitted as notification of the interrupted service.

(5) *For interchange trips.* (i) Interchange trips are those which provide through service on the same aircraft operated by two or more carriers between the origin and final destination of the trip. When FCM is dispatched over authorized interchange trips, the "dispatching postal unit" will prepare Form 2715–B in "triplicate" to provide a settlement document for the second carrier.

(ii) The following information must be shown on each set of Forms 2715–B:

(*a*) "Transfer Point" block: Alpha code of point where operation by first carrier terminates.

(*b*) "From (Route & Trip)" block: Designation of carrier accepting mail from postal unit.

(*c*) "To (Route & Trip)" block: Designation of carrier to whom FCM is due to be delivered.

(*d*) "To" column: Alpha code of next connection point.

(*e*) Under "Explanation:" Endorse prominently: "Interchange—First Class Mail by Air".

(iii) If a third carrier is involved, a separate Form 2715–B must be prepared to cover the second transfer.

(iv) Forms 2715–B, used for interchange trips, will be clearly marked "Interchange Trip" since no terminal charge is due to be paid at the interchange point.

(v) The preparing postal unit will distribute copies as follows:

(*a*) Original to local regional controller for transmittal to accounting office of second carrier.

(*b*) First copy to local regional controller for transmittal to paying regional controller for second carrier.

(*c*) Second copy to be retained in postal unit file.

Similarly, send original and first copy of Form 2715–B to cover a second transfer to the local regional controller for transmittal to carrier accounting and paying regional controller for third carrier. Retain second copy in postal unit files.

(6) *For reporting air carrier FCM irregularities.* The lower portion of Form 2715–B must be appropriately completed by the preparing carrier to explain the circumstances which required the irregular transfer or off-loading. See subparagraph (4)(ii) and (iii) of this paragraph for particulars as to completion of the balance of the form and distribution of copies.

(f) *Form 2753, Receipt To Airline*—(1) *Use.* Form 2753 is a receipt to air carriers for both airmail and FCM delivered to postal units other than airport mail facilities. The total pieces of airmail and FCM must be listed "separately" in the spaces provided on the form.

(2) *Who prepares.* See § 96.23 for full particulars as to preparation and handling of Forms 2753.

(g) *Form 2753–A, Mail Delievery Receipt*—(1) *Use.* Form 2753–A is a receipt to air carriers for both airmail and FCM delivered to airport mail facilities. When conditions warrant, distribution and traffic managers may authorize air stop post offices to use Form 2753–A instead of Form 2753. The total pieces of airmail and FCM must be listed separately in the spaces provided on the form.

(2) *Who prepares.* See § 96.24 for full particulars as to preparation and handling of Form 2753–A.

§ 96.49 Reporting and processing FCM irregularities.

(a) *Form 2759, Report Of Irregular Handling Of Airmail*—(1) *Use.* Form 2759 is used by postal employes to report air carrier irregularities in the handling of FCM. Since this form is also used to report airmail irregularities, check box "1st Class by Air" to assure proper evaluation of the report.

(2) *Who prepares.* Postal clerk who first handles FCM which obviously has been mishandled by an air carrier is required to prepare Form 2759 report. The precarbonized form in quadruplicate contains printed instructions showing distribution of original and first copy to the local distribution and traffic manager, second copy to representative of airline involved, third copy for retention in files of the postal unit.

(3) *FCM irregularities requiring close attention.* (i) Refusals: Removals of FCM are not subject to the preparation of briefs and the imposition of fines under the space available provisions of Order E–17255. However, remedial action may be required. Submit report on Form 2759 with full particulars to enable the distribution and traffic manager to take such corrective action as may be necessary in situations where repetitive occurrences involving refusals and removals impair the service accorded FCM. See § 96.48(e)(4)(iii)(*d*) concerning situations involving Form 2715–B transfers requiring report on Form 2759.

(ii) Delayed delivery of FCM will be reported when more than one hour from time of arrival of trip elapses before delivery to AMF, MM, or VS driver. At non-AMF points, the post office clerk receiving the delayed FCM from the MM or VS driver is responsible for preparing Form 2759 under such circumstances.

(iii) Damage to FCM and equipment is a finable irregularity since air carriers are responsible for according FCM the same care and safeguards as is given regular airmail. See § 96.47(a)(6). Furnish full particulars as to pieces damaged, and extent, and pieces actually wet because of exposure to the elements.

(b) *Instances where fines can be levied*—(1) *Authorization for finding.* The Civil Aeronautics Board order establishing a rate for transportation of first class mail by air prescribes that "no air carrier shall be subject to penalties (fines) with respect to the carriage of such mail except to cover serious cases of failure to protect mail from damage and depreciation or repetitive instances of neglect resulting in substantial delay. Inability to accommodate such mail on a specific flight or flights shall not be construed as neglect."

(2) *Processing of finable FCM cases.* Reports of (i) damage to mail or equipment, including repetitive instances occurring at the same air-port, (ii) failure to protect FCM from depredation, and (iii) instances of neglect resulting in

substantial delay, are to be forwarded to the Director, Air Transportation, for appropriate disposition.

§ 96.50 Supply of forms.

(a) *Provided by the Department.* The following forms are available at Regional supply centers: 2713, 2713–X, 2715–X, 2753, 2753–A, 2759. Air carriers will obtain necessary requirements of Forms 2715–X and 2753 by quarterly letter requests to the distribution and traffic manager located nearest to the carrier's headquarters office. The D&TM will indicate approval of the requisition by endorsing the letter and forwarding to the appropriate supply center. Shipment of the forms will be made directly to the air carrier.

(b) *Provided by the air carriers.* Form 2715–B, in the format prescribed by the Post Office Department, is provided by the air carriers.

NOTE: The corresponding Postal Manual part is 534.

LOUIS J. DOYLE,
General Counsel.

[F.R. Doc. 61–10667; Filed, Nov. 7, 1961; 8:49 a.m.]

Proposed Rule Making

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[25 CFR Part 221]

COLORADO RIVER INDIAN IRRIGATION PROJECT, ARIZONA

Operation and Maintenance Charges

Pursuant to section 4(a) of the Administrative Procedure Act of June 11, 1946 (60 Stat. 238), and by virtue of authority delegated by the Secretary of the Interior to the Commissioner of Indian Affairs, September 14, 1946 (11 F.R. 10297); and delegation by the Commissioner to the Area Director by Order No. 551, Amendment No. 1, dated June 5, 1951, notice is hereby given of the intention to modify § 221.6 *Charges,* of Title 25, CFR, Chapter I, Sub-chapter T, Part 221, dealing with operation and maintenance assessments against the irrigable lands of the Colorado River Indian Irrigation Project, Arizona, by increasing the basic water charges from $8.50 per acre to $9.00 per acre per annum. Notice is hereby also given of the intention to modify § 221.7 *Excess water charges,* of Title 25, CFR, Chapter I, Subchapter T, Part 221, by increasing the rate from $1.75 to $2.00 per acre-foot per annum. The revised sections will read as follows:

§ 221.6 Charges.

Pursuant to the provisions of the acts of Congress approved August 1, 1914, and March 7, 1928 (38 Stat. 583, 45 Stat. 210; 25 U.S.C. 385–387), the annual basic charge against the land to which water can be delivered under the Colorado River Indian Irrigation Project in Arizona, for the operation and maintenance of that project, is hereby fixed at $9.00 per irrigable acre, whether water is used or not. Payment of this charge will entitle the water user to but not in excess of, eight acre-feet of water per acre per annum on certain sandy areas as described in a schedule on file at the Colorado River Indian Agency, and available for inspection by interested parties, and to five acre-feet of water per annum per irrigable acre on all other lands. With the approval of the Superintendent, additional water, reasonably sufficient to carry away alkali salts, may be allowed on certain alkali tracts at no additional charge for the purpose of reclaiming lands by the usual methods, such as flooding and leaching. The foregoing charges and allotments of water shall become effective for the calendar year 1962 and continue in effect thereafter, until further notice.

§ 221.7 Excess water charges.

Additional water, if and when available, in excess of basic allowances, may be delivered upon written request to the Superintendent by landowners or users at the rate of $2.00 per acre-foot, or fraction thereof.

Interested persons are hereby given opportunity to participate in preparing the proposed amendments by submitting their views and data or argument in writing to F. M. Haverland, Area Director, Phoenix Area Office, P.O. Box 7007, Phoenix, Arizona, within thirty (30) days from date of publication of this notice of intention in the daily issue of the FEDERAL REGISTER.

HARRY L. STEVENS,
Acting Area Director.

[F.R. Doc. 61–10653; Filed, Nov. 7, 1961; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Ch. IX]

[Dockets Nos. AO 336 and AO 337]

TURKEY HATCHING EGGS AND TURKEYS

Supplemental Notice of Hearing With Respect to Proposed Marketing Agreements and Orders

Notice is hereby given that in addition to the dates and places of public hearing specified in the hearing notice issued on October 30, 1961 and published in the FEDERAL REGISTER on November 2, 1961 (26 F.R. 10286) a session of such hearing will also be held at Hearing Room No. 1, State Office Building, Albany, N.Y., on December 12, 1961, beginning at 9:00 a.m.

Notice is further given that the place of hearing for the session scheduled for Des Moines, Iowa, from November 24–27, 1961, has been changed from the Senate Chamber to the House Chamber, State Capitol, Des Moines, Iowa.

Dated: November 3, 1961.

JAMES T. RALPH,
Assistant Secretary.

[F.R. Doc. 61–10680; Filed, Nov. 7, 1961; 8:50 a.m.]

[7 CFR Part 1026]

HANDLING OF CENTRAL CALIFORNIA GRAPES FOR CRUSHING

Proposed Establishment of Handler Charges

Notice is hereby given that the Secretary has under consideration a proposal submitted by the Grape Crush Administrative Committee, hereinafter referred to as the "committee," to establish a schedule of charges which handlers may deduct from any monies owed by them to producers (or their successors in interest) as compensation for costs incurred by the handlers in connection with setaside under Marketing Agreement No. 133 and Order No. 126 (26 F.R. 7797), hereinafter referred to collectively as the "order," regulating the handling of Central California grapes for crushing. This marketing order program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The initial free and surplus percentages established for the crop year ending June 30, 1962, are free percentage—66 percent and surplus percentage—34 percent (§ 1026.203; 26 F.R. 9068, 9309), and the schedule of charges have been proposed by the committee to compensate handlers for the expenses of receiving, processing, storing, and certain other costs relating to the setaside resulting from application of the surplus percentage for the crop year ending June 30, 1962 (August 26, 1961–June 30, 1962). Such "other costs" include costs for sugar testing, maintenance and care, insurance, county taxes, loading out for ultimate disposition, and the processing of dessert wine to a condition which is acceptable for inter-winery sales. The compensation of handlers for these expenses is authorized by § 1026.57.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are submitted to the Director, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D.C., and received 14 days after publication of this notice in the FEDERAL REGISTER.

The proposal submitted by the committee did not include a recommendation for compensatory charges pertaining to raisin residual material received by handlers under § 1026.50. However, a subparagraph for the establishment of such charges has been reserved as set forth below, and written data, views, and arguments pertaining to compensation applicable to raisin residual material may be submitted simultaneously with submission of data, views, and arguments pertaining to the committee's proposal referred to above.

The specific proposal now under consideration is set forth below.

§ 1026.401 Establishment of charges to compensate handlers for receiving, processing, storing and certain other costs relating to setaside of the 1961–62 crop year.

(a) *Costs.* Each handler who incurs a setaside obligation during the period beginning on August 26, 1961, and ending on June 30, 1962, and sets aside proof gallons of products, or the concentrate equivalent thereof, in accordance with volume regulation in effect under §§ 1026.54 and 1026.203, shall be compensated as provided in paragraph (b) of this section, for the cost items pertaining to such setaside that are set forth below.

(1) Costs of receiving, processing, and storing; and

(2) The costs incurred by such handler for

(i) Sugar testing,

(ii) Maintenance and care,

(iii) Insurance, computed at the rate of $20.00 per ton for an equivalent quantity of grapes, at 21 degrees Balling, or the maximum value allowed by carriers for insurance purposes, whichever is less,

(iv) County taxes,

(v) Loading out for delivery to the Grape Crush Administrative Committee, or its designee, for ultimate disposition, and

(vi) The processing of dessert wine to a condition which is acceptable for interwinery sales.

(b) *Establishment of charges*—(1) *Grapes for crushing, other than raisin residual material.* Each handler may deduct from money owed any producer (or his successor in interest) the amount of $12.00 per ton for each ton of that quantity of grapes for crushing obtained by applying the surplus percentage for the crop year established by § 1026.203, adjusted to any subsequent reduction of such percentage, to the total receipts of grapes for crushing from such person during the period beginning on August 26, 1961, and ending on June 30, 1962, at premises within the State of California controlled or operated by such handler. The sum of $12.00 shall include compensation for all cost items specified in paragraph (a) of this section. Of such amount, $8.50 per ton shall constitute the charge for costs incurred during the period August 26, 1961–June 30, 1962; and $3.50 per ton shall constitute the charge for the cost of storage and for such of the costs specified in paragraph (a) (2) of this section as may be applicable, incurred during the crop year beginning on July 1, 1962. For the purposes of this subparagraph only, "total receipts of grapes for crushing" shall not include (i) sweepings or other residual material from raisin processing, and (ii) those varieties of grapes for crushing exempted by § 1026.202 from volume regulation for the said period.

(2) *Grapes for crushing; raisin residual material.* [Reserved]

Dated: November 2, 1961.

PAUL A. NICHOLSON,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 61-10664; Filed, Nov. 7, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Division of Public Contracts

[41 CFR Part 50–202]

OFFICE, COMPUTING, AND ACCOUNTING MACHINES INDUSTRY

Tentative Decision Determining Prevailing Minimum Wages

A complete record of proceedings under sections 1 and 10 of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 and 43a) to determine the prevailing minimum wages for persons employed in the office, computing, and accounting machines industry has been certified by the hearing examiner. The whole record has been considered, and it is now appropriate, under section 8 of the Administrative Procedure Act (5 U.S.C. 1007), to make a tentative decision, which shall include a ruling on the proposed findings and conclusions submitted by the parties, a statement of my findings and conclusions, as well as the reasons and basis therefor, and any appropriate wage determination.

Definition. The notice of hearing proposes to define the office, computing, and accounting machines industry to include the manufacture of machines primarily designed for office or business use, including, but not limited to the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment, envelope handling machines (automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

This definition does not include other devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps.

It was proposed at the hearing to revise the definition to read as follows: The manufacturer of computing machines and machines of a type designed for office or business use (including parts specially designed for such machines), such as the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment (except airborne), envelope handling machines automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

This definition does not include (1) devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps; (2) electron tubes; (3) solid-state semiconductors; and (4) functional electronic component parts such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit.

The most notable change in the definition is the express inclusion of "parts" (other than those expressly excluded) within the industry. The Wage and Hour economist, who proposed the amendment, testified that the definition in the notice of hearing was considered to follow the present determination for this industry which includes all "parts" that were not of a standard shelf nature or electronic component "parts" covered by other industries. It should be noted here that the appropriateness of the definition in the notice of hearing was one of the issues set forth in the notice of hearing.

In addition to reflecting expressly the inclusion of "parts", the revised definition made certain other clarifications. It substituted the words "the manufacture of computing machines and machines of a type designed for office or business use" for the words "machines primarily designed for office or business use." Although the change in this wording of the definition broadens its language, there appears to be no expansion in the meaning of the initial definition as it was generally understood. That meaning is discussed elsewhere in this decision.

The change was accompanied by no complementing alteration in the words of description. They remained the same, except for the minor modification described below. The words "electronic computing and associated information processing equipment" were delimited by the parenthetical phrase "except airborne." According to the testimony of the Wage and Hour economist, there was general agreement of the interested parties at the prehearing conference that all types of ground computing equipment, whether analog or digital, were within the scope of the definition. However, airborne electronic computing equipment was beyond the scope of this industry.

The Office Equipment Manufacturers Institute (hereinafter referred to as the Institute) argues that the change of the definition, principally the inclusion of "parts," renders the notice of hearing inadequate, contending that many "parts" manufacturers would not have constructive notice through publication in the FEDERAL REGISTER. The record does not sustain this argument. There is substantial evidence indicating that the definition was understood by those in the industry to include "parts." The identical definition was used by the Bureau of Labor Statistics (BLS) in

making a wage survey, the results of which are found in Government Exhibit 6. The testimony indicates that five establishments replying to BLS questionnaires reported that more than 50 percent of their production consisted of making "parts", such as typewriter parts and sub-assemblies for accounting machines, cash registers, and various office machines. Counsel for the Institute would have me view this reporting as freakish. I do not regard it so. It is more reasonable to infer that among the 95 reporting plants there are many which manufacture "parts" but whose major production may be concerned with assembled machines, which are a combination of parts. Also, the Standard Industrial Classification (SIC) Manual and the 1954 Census of Manufactures support this inference. The defined industry surveyed by the Bureau of Labor Statistics is composed of 80 percent of the products in three-digit Standard Industrial Classification 357 (office and store machines and devices), 85 to 90 percent of those in 3571 (computing machines and cash registers), and all of those in 3572 (typewriters). Standard Industrial Classification 3572 expressly includes "parts" of typewriters, and Product Code 3571081, an extension of Standard Industrial Classification 3571, includes parts and attachments for computing and accounting machines including cash registers.

Upon the basis of this evidence, I regard the notice as adequate.

Locality. The evidence in the record dealing with the geographic scope of the determination consists almost entirely of that found in Government Exhibit 4, showing competition for Government contracts in this industry during fiscal year 1959. The exhibit demonstrates that firms in every part of the country where plants are located frequently bid for, and are awarded, contracts calling for delivery throughout the United States. There is no evidence suggesting that the area of competition for such contracts may be defined more narrowly than all of that area in which plants of the industry are located.

The American Federation of Labor-Congress of Industrial Organizations (AFL–CIO) and its principal affiliates in this industry (hereinafter called the unions) propose that a single determination be made for the entire industry. The Institute, however, would go further. It would consider in this determination those parts of Western Europe and North America where plants are located which manufacture the products of the industry and which bid on Government contracts. In other words, the Institute urges that foreign competition be considered within the area of competition of this industry.

I am of the opinion that the hearing examiner properly excluded evidence offered by the Institute dealing with foreign competition. The Department's administrative regulations promulgated pursuant to section 6 of the Walsh-Healey Public Contracts Act and published in 41 CFR 50–201.603(b) exempt foreign contracts from the representations and stipulations required by the Act. I consider myself bound by the exemption in this proceeding. Cf. Arcardi v. Shaughnessy, 347 U.S. 260, and Service v. Dulles, 354 U.S. 363. Moreover, even if this regulation were not in effect, it is my opinion that the Walsh-Healey Public Contracts Act would not be applicable to Government contracts performed in Western Europe or Canada worked upon by employees whose welfare is the primary concern of other Governments. The absence of a clear expression by the Congress of an intent to protect them requires this conclusion. Cf. Foley Bros. v. Filardo, 336 U.S. 281. Under these circumstances, the consideration of wages paid by Western European or Canadian firms in making this minimum wage determination for those areas where the welfare of employees is the primary concern of this Government is regarded as beyond any authority vested in me under the Act. Further, if there were such consideration in this instance without any corresponding obligation upon the part of Western European or Canadian firms to pay the prevailing minimum wage within the proposed area of competition, it would serve only to depress the wages of American employees within the industry without raising the standards of foreign employees working on Government contracts. This clearly was not within the intendment of the statute. I conclude that the area of competition, and therefore the locality in which the products of this industry are manufactured or furnished, is limited to the United States.

Beginners or probationary workers. Both the unions and the Institute concur in the view that it is not the predominant practice in the industry to pay a separate minimum wage to beginners or probationary workers. There is substantial evidence in the record sustaining their views. Accordingly, a tolerance for beginners or probationary workers is not provided in this decision.

Prevailing minimum wages. The Institute asserts that the prevailing minimum wage should not exceed $1.275, even if the wage data are limited to the United States. On the other hand, the unions urge the determination of a prevailing minimum of $1.81, including an eight-cent post-BLS survey increase.

The proposed finding of the Institute rests upon several arguments. The Institute alleges that the so-called interquartile technique furnishes a more appropriate means for determining the prevailing minimum wage than the median technique used in recent minimum wage determinations. The use of the interquartile technique has been suggested previously, but I have declined to apply it. Cf. Tentative decision for the Metal Business Furniture and Storage Equipment Industry (25 F.R. 12363). Under the interquartile technique, the median is still the point of departure, because it represents the central tendency of a particular frequency distribution. Stated baldly, the technique measures the dispersion from the central tendency to the lower and upper quartiles, and ultimately sets the prevailing minimum wage at the lower quartile. I regard the median as more representative of a frequency distribution than the lower quartile, and, therefore, as more fully satisfying the statutory requirements.

The Institute also asserts that, in making this determination, reliance should be placed upon the tables in the Bureau of Labor Statistics (BLS) survey showing the lowest established rates, rather than the tables showing the lowest rates actually paid. In this connection, the Institute directs attention to the fact that, of the 95 plants reporting, 61 plants (or 64.2 percent of all plants) reported the presence of lowest established job rates and that these 61 plants employed 54,962 covered workers (or 91.8 percent of the 60,113 covered workers in the industry).

Whenever the making of a prevailing minimum wage determination has necessitated an answer to the question of whether a determination should be grounded upon lowest established rates or the lowest rates actually paid, reliance has been placed consistently upon the lowest rates actually paid. See: Photographic and Blueprinting Equipment and Supplies Industry—final decision (April 6, 1956, 21 F.R. 2243); Tires and Related Products Industry—tentative decision (October 28, 1959, 24 F.R. 8741); Electron Tubes and Related Products Industry—tentative decision (Aug. 16, 1960, 25 F.R. 7801); Metal Business Furniture and Storage Equipment Industry—tentative decision (Dec. 2, 1960, 25 F.R. 12363); Electronic Component Parts Industry—tentative decision (May 13, 1961, 26 F.R. 4173); and Manifold Business Forms Industry—tentative decision (June 30, 1961, 26 F.R. 5898).

In this proceeding it is also concluded that reliance is more properly based upon the lowest rates actually paid for the reasons set forth in those decisions.

The unions propose that the minimum wage be found from the lowest rates actually paid, but in addition propose the use of the table showing such rates which excludes the wages paid to beginners (Government Exhibit 6, Table 5). I do not adopt this proposal because I find it more appropriate to use a table which includes beginners in making a determination which has application to them.

The unions also propose that a median approach be used, but they propose that only data for plants weighted by their covered worker employment be considered, to the exclusion of data for plants without such weighting. The terms of the statute do not compel this result. See the tentative decision for Drugs and Medicines Industry (23 F.R. 2836). I regard both the median of the plants weighted by their covered worker employment and that of plants without such weighting as having significance in this proceeding.

Using Government Exhibit 6, Table 7, the median level of the minimum wages paid by the plants involved was $1.45 as of the survey date. The comparable median level for the plants weighted by their employment was $1.60 at the same time. A simple average of the two medians results in a minimum wage of $1.525. However, an examination of the table reveals that the minimum wage of $1.525 has no other significance because there were no plants paying minimum wages above $1.51 and under $1.54. In

considering dispersions from the average, however, the minimum wage of $1.50 appears to have particular significance. There is a substantial cluster of plants at the wage (6 plants), more than at any other minimum wage in the range from $1.45 through $1.60. Moreover, the plants at the $1.50 point have more covered worker employment than appears at any other point in the critical range between the medians, except $1.60, which is at one extremity. Furthermore, 46.4 percent of the establishments with 71.7 percent of the total covered employment paid a minimum wage of $1.50 or higher. Therefore, I find $1.50 to be the prevailing minimum wage as of the survey date.

In connection with the question of post-survey increases of minimum wages, there was admitted in evidence Government Exhibit 7 showing average straight-time hourly earnings covered by Standard Industrial Classifications (SIC) 357 (office and store machines and devices), SIC 3571 (computing machines and cash registers), and SIC 3572 (typewriters) from May 1959 to January 1960. There was supplementary testimony of the average straight-time hourly earnings covered by these classifications in February 1960. These were $2.47 in SIC 357, $2.64 in SIC 3571, and $2.15 in SIC 3572, as compared with May 1959 rates of $2.38 in SIC 357, $2.57 in SIC 3571, and $2.04 in SIC 3572. These data were taken from the Employment and Earnings Series of the Bureau of Labor Statistics after the application of an adjustment factor designed to eliminate the influence of premium overtime pay from gross average hourly earnings. The Institute directs attention to the fact that there are some products within these groupings, such as airborne electronic computer equipment, which are beyond the scope of the industry. Nevertheless, the data for these Standard Industrial Classifications appear relevant in light of testimony earlier mentioned to the effect that the products in this industry encompass about 80 percent of SIC 357, about 85 to 90 percent of SIC 3571, and all of SIC 3572.

The record presents three shades of opinion regarding the inferences that may be drawn from the fact that the average hourly earnings data show generally increases from the survey date to February 1960. The economist testifying on behalf of the Institute gave an opinion that the data showing increased average hourly earnings were of no value in indicating a trend in minimum wage levels in the period involved. He reasoned the increased average hourly earnings may have resulted from fuller use of working hours, substantial shifts in the distribution of the work force so that more workers were in the upper rate ranges or in the higher labor grades, or that incentive earnings had gone up. On the other hand, the economist testifying on behalf of the unions was of the opinion that the penny increase in average straight-time hourly earnings was indicative of an identical penny increase in minimum wages during the same period. In support of this opinion he observed that the period in question was one of increased employment for the industry as a whole, as Government Exhibit 8 shows, and concluded that this means that there was an increase in the number of workers at the bottom, which in turn means that there would be a depression of the average hourly earnings increase. Hence, it would be likely that the increase in the lowest rates paid would equal or exceed the increase in average straight-time earnings. Also, in his opinion it was likely that there had been further increases in average straight-time hourly earnings beyond the period covered by the exhibit. A third opinion was given by a Wage and Hour economist, who testified that where there is an increase in the average straight-time earnings it is reasonable to expect an increase in minimum wages as well. He further testified, however, that if an increase in average straight-time hourly earnings were only two or three cents, it would not be reasonable to assume that there was a comparable increase in minimum wages. The increase in average straight-time hourly earnings would have to be of more "substantial magnitude" if an increase in minimum wages were to be expected.

In addition, there was testimony by the same Wage and Hour economist indicating that Government Exhibit 6 is comparable to an earlier BLS survey in this industry covering a payroll period in November 1950. The median plant shown in the 1950 survey paid a minimum wage of 90 cents. The same economist indicated that he had ascertained the average straight-time hourly earnings for SIC group 357 in November 1950 which were $1.61. In May 1959, the median plant shown on Table 7 of Government Exhibit 6 paid a minimum wage of $1.45, while the average straight-time hourly earnings in May 1959 were $2.38. Thus, in the November 1950–May 1959 period, the minimum wages paid by the median plant increased by 55 cents or by 61.1 percent, and average straight-time hourly earnings increased by 77 cents or by 47.8 percent.

From this evidence, I find that minimum wages in this industry have increased since the BLS survey period of May 1959. The alternative to this finding that no such increases have occurred does not appear reasonable upon the basis of the record as a whole.

As to the precise extent of the increase, the possibilities of inference voiced in the tentative decisions, for the Electronic Component Parts Industry (26 F.R. 4173) and the Manifold Business Forms Industry (26 F.R. 5898) on the issue of the extent of post-survey increases appear to exist here. These are, first, that the percentage relationship between the increases in minimum wages and straight-time hourly earnings has remained constant, and second, that the penny relationship between such increases has continued.

In this proceeding, the inference that the percentage relationship between the increases in minimum wages and straight-time hourly earnings has continued appears well grounded. The evidence indicates that both penny and percentage increases were paid in the post-survey period. The testimony of two industry witnesses shows this. Also, the comparison of minimum wage data and straight-time hourly earnings discussed above indicates that both types of increases occur in the industry. Consequently, the inference as to percentage increases appears more reliable than that relating to penny increases since the penny increases overstate the increase that has occurred at the minimum wage level.

The increase in straight-time hourly earnings in the broad SIC Group 357 from May 1959 through February 1960 was from $2.38 to $2.47. This was an increase of 3.8 percent. Accordingly, I find that the corresponding increase in minimum wages was by the same percentage and that this increase totalled five cents.

Accordingly, upon the findings and conclusions stated above and pursuant to section 4 of the Walsh-Healey Public Contracts Act (49 Stat. 2038, 41 U.S.C. 38), I propose to amend 41 CFR Part 50–202 as recently revised (26 F.R. 9042) by adding a new section thereto reading as follows:

§ 50–202.26 Office, computing, and accounting machines industry.

(a) *Definition.* (1) The office, computing and accounting machines industry is defined as that industry which manufactures or furnishes computing machines and machines of a type designed for office or business use (including parts specially designed for such machines), such as the following: Accounting machines, adding machines, addressing machines (manual and automatic), billing machines, bookkeeping machines, calculating machines, cash registers, change making machines, check handling machines, collating machines, currency and coin handling machines, dating machines (automatic), dictating and transcribing machines, duplicating machines (except photocopy, blueprint and printing), electronic computing and associated information processing equipment (except airborne), envelope handling machines (automatic), folding machines, inserting machines, key punch machines, label pasting machines, mailing machines, payroll machines, perforating and cancelling machines (except hand punches), postal permit mailing machines, post office cancelling machines, punched card tabulating machines, shorthand machines, sorting machines, stamp affixing machines, stencil machines, tabulating machines, time recorders, time stamping machines (except hand stamping), typewriters, and varitypers.

(2) This definition does not include (i) devices of simple construction and normally hand-operated, such as pencil sharpeners, paper punches, staplers, gummed tape moisteners, seal presses, erasing machines, autographic registers, and rubber stamps; (ii) electron tubes; (iii) solid-state semiconductors; and (iv) functional electronic component parts such as resistors, capacitors, relays, connectors, and complex components, packaged components, modules, and other similar component combinations manufactured as a single unit.

(b) *Minimum wages.* The minimum wage for persons employed in the manufacture or furnishing of products of

the office, computing, and accounting machines industry shall be $1.55 an hour.

Within twenty-one days following the publication of this document in the FEDERAL REGISTER, interested parties may submit exceptions, together with supporting reasons, to the tentative decision set out herein. Exceptions should be directed to the Secretary of Labor and filed with the Chief Hearing Examiner, Room 4414, United States Department of Labor, Washington 25, D.C.

Signed at Washington, D.C., this 2d day of November 1961.

W. WILLARD WIRTZ,
Acting Secretary of Labor.

[F.R. Doc. 61-10678; Filed, Nov. 7, 1961; 8:50 a.m.]

FEDERAL AVIATION AGENCY

[14 CFR Part 600, 608]

[Airspace Docket No. 60-LA-90]

FEDERAL AIRWAYS AND SPECIAL USE AIRSPACE

Proposed Alteration of Federal Airway and Designation of Restricted Area

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering amendments to §§ 600.1668 and 608.70 of the regulations of the Administrator, the substance of which is stated below.

The Federal Aviation Agency has under consideration a proposal by the Department of the Army for the designation of a restricted area near Guernsey, Wyo., as follows:

Boundaries. Beginning at latitude 42°-30'00" N., longitude 104°54'30" W.; to latitude 42°30'00" N., longitude 104°40'00" W.; to latitude 42°23'00" N., longitude 104°40'00" W.; to latitude 42°19'00" N., longitude 104°-45'00" W.; to latitude 42°18'00" N., longitude 104°45'00" W.; to latitude 42°19'30" N., longitude 104°51'00" W.; to latitude 42°-24'00" N., longitude 104°54'30" W.; to the point of beginning.

Designated altitudes. Surface to 23,500 feet MSL.

Time of designation. 0700 to 2200 MST, May 15 through September 5.

Controlling agency. Federal Aviation Agency, Denver ARTC Center.

Using agency. Adjutant General, State of Wyoming.

The proposed restricted area is located north of Guernsey, Wyo., and would provide special use airspace for the hazardous artillery firing conducted by Army National Guard units during their annual summer training periods. As noted above, the Federal Aviation Agency is considering the designation of the Denver ARTC Center as controlling agency. Joint civil military use of this area would permit more safe, economical, and efficient utilization of airspace.

Concurrently with this action it is proposed to alter intermediate altitude VOR Federal airway No. 1668 by reducing its width from 16 miles to 14 miles. This reduction in airway width would provide required lateral separation with the proposed Guernsey, Wyo., restricted area.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

This amendment is proposed under section 307(a) of the Federal Aviation Act of 1958 (72 Stat. 749; 49 U.S.C. 1348).

Issued in Washington, D.C., on November 2, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10647; Filed, Nov. 7, 1961; 8:46 a.m.]

[14 CFR Part 601]

[Airspace Docket No. 60-LA-112]

CONTROLLED AIRSPACE

Proposed Alteration of Control Zone

Pursuant to the authority delegated to me by the Administrator (14 CFR 409.13), notice is hereby given that the Federal Aviation Agency is considering an amendment to § 601.2413 of the regulations of the Administrator, the substance of which is stated below.

The Hoquiam, Wash., control zone is designated within a 3-mile radius of the Bowerman Airport excluding the portion above 14,500 feet MSL.

The Federal Aviation Agency is considering the alteration of this control zone by increasing its size to a 5-mile radius of the Bowerman Airport (latitude 46°58'16" N., longitude 123°56'08" W.) and including an extension 2 miles either side of the 059° True radial of the Hoquiam VOR extending from the 5-mile radius zone to the VOR. Also, the statement "excluding the portion above 14,500 feet MSL" would be omitted from the description because the restricted area which required the exclusion has been revoked. The expanded control zone including the extension to the VOR would provide protection for aircraft executing the VOR instrument approach procedure at the Bowerman Airport.

Interested persons may submit such written data, views or arguments as they may desire. Communications should be submitted in triplicate to the Regional Manager, Western Region, Attn.: Chief, Air Traffic Division, Federal Aviation Agency, 5651 West Manchester Avenue, P.O. Box 90007, Airport Station, Los Angeles 45, Calif. All communications received within forty-five days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Air Traffic Division Chief, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room C-226, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for examination at the office of the Regional Air Traffic Division Chief.

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Issued in Washington, D.C., on November 2, 1961.

W. THOMAS DEASON,
Assistant Chief,
Airspace Utilization Division.

[F.R. Doc. 61-10646; Filed, Nov. 7, 1961; 8:46 a.m.]

FEDERAL MARITIME COMMISSION

[46 CFR Part 502]

[General Order 3]

ESTABLISHMENT OF USER CHARGES

Extension of Time for Submission of Comments on Proposed Rule

In F.R. Doc. 61-9708 appearing in the FEDERAL REGISTER issue of October 11, 1961 (26 F.R. 9602) notice of proposed rule making was issued under 46 CFR Part 502 relative to the establishment of user charges or fees.

Pursuant to action of the Federal Maritime Commission taken on November 2, 1961, notice is hereby given that the time for submitting data, views, or arguments regarding said proposed rules is extended to the close of business on November 24, 1961.

Dated: November 3, 1961.

By order of the Federal Maritime Commission.

THOMAS LISI,
Secretary.

[F.R. Doc. 61-10677; Filed, Nov. 7, 1961; 8:50 a.m.]

Notices

DEPARTMENT OF THE TREASURY

Bureau of Customs

[455.44]

CERTAIN FOOTWEAR

Proposed Tariff Classification

NOVEMBER 3, 1961.

In a letter of April 7, 1961, to the collector of customs, New York, New York, the Bureau ruled that footwear having uppers of the kind described in paragraph 1530(e), Tariff Act of 1930, as modified and amended, and soles such as those commonly found on tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, when the soles, although not in chief value of india rubber, have the same appearance and general characteristics, such as the resiliency, flexibility, and skid-resistancy of the soles referred to, is classifiable as:

Footwear having uppers composed wholly or in chief value of wool, cotton, ramie, animal hair, fiber, rayon or other synthetic textile, silk, or substitutes for any of the foregoing with soles wholly or in chief value of substitutes for rubber, under paragraph 1530(e), supra, dutiable at the reduced rate of 20 percent ad valorem (full rate 35 percent ad valorem) based on the American selling price when the elements of section 402a(g) are present, except as provided for hereafter.

It was stated in the ruling:

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value, unless it is established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber. The statement of principles outlined in the second paragraph of T.D. 54885(9) is modified accordingly.

(See FEDERAL REGISTER of April 12, 1961, Volume 26, No. 69, page 3117, and T.D. 55364(2) and T.D. 55364(7).)

Claims are made that certain soles having the appearance and general characteristics referred to above are not in chief value of substitutes for rubber within the meaning of paragraph 1530(e), as modified and amended. The basis of the claims is that the material of which the sole is in chief value, polyvinyl chloride or styrene, for example, "was used in its own right and for its own characteristics and not in place of india (natural) rubber". It has been urged that notwithstanding the fact that soles of polyvinyl chloride or styrene may be used wholly or partly "in its own right and for its own characteristics" soles made of such or similar materials when attached to footwear such as tennis shoes, basketball shoes, "Ked-type" shoes and so-called sneakers are used as substitutes for rubber within the meaning of paragraph 1530(e), as modified and amended. Accordingly, consideration is being given to the deletion of the qualification represented by the words "unless it shall be established that such material was used in its own right and for its own characteristics and not in place of india (natural) rubber" as surplusage so that the rule as restated would read:

In this view, a sole not in chief value of india rubber but which has the general characteristics of the resilient, flexible, skid-resistant, rubber soles of footwear such as tennis shoes, basketball shoes, "Ked-type" shoes, and so-called sneakers, is a sole wholly or in chief value of "substitutes for rubber" within the meaning of Treasury Decision 46158. This view is taken irrespective of the material (other than india rubber, leather or wood) of which the sole is wholly or in chief value.

The amendment in contemplation will be effective as to footwear entered, or withdrawn from warehouse, for consumption after 90 days after the date of publication of an abstract of the decision in the weekly Treasury Decisions.

Consideration will be given to any relevant data, views, or arguments pertaining to the correct tariff classification of such merchandise which are submitted to the Bureau of Customs, Washington 25, D.C., in writing. To assure consideration, such communications must be received in the Bureau not later than 30 days from the date of publication of this notice. No hearings will be held.

[SEAL] PHILIP NICHOLS, Jr.,
Commissioner of Customs.

[F.R. Doc. 61-10710; Filed, Nov. 7, 1961; 8:49 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[Montana 046878(SD)]

SOUTH DAKOTA

Notice of Proposed Withdrawal and Reservation of Lands

OCTOBER 30, 1961.

The United States Department of Agriculture has filed an application, Serial Number Montana 046878(SD) for the withdrawal of the lands described below, from location and entry under the general mining laws, subject to existing valid claims. The applicant desires the land for research in forest, range, and watershed management.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1245 North 29th Street, Billings, Mont.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

BLACK HILLS MERIDIAN, SOUTH DAKOTA

BLACK HILLS NATIONAL FOREST

Black Hills Experimental Forest

T. 2 N., R. 4 E.,
Sec. 3: All;
Sec. 4: All;
Sec. 9: E½;
Sec. 10: All.
T. 3 N., R 4 E.,
Sec. 33: All;
Sec. 34: W½, SE¼, S½NE¼ less H.E.S.

Area within experimental forest 3,438.15 acres, more or less.

R. R. RIGTRUP,
Manager, Land Office.

[F.R. Doc. 61-10654; Filed, Nov. 7, 1961; 8:47 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-166]

UNIVERSITY OF MARYLAND

Notice of Issuance of Facility License Amendment

Please take notice that the Atomic Energy Commission has issued Amendment No. 2 to Facility License No. R-70, set forth below. The license authorizes The University of Maryland to possess and operate the pool-type nuclear reactor located on the University's campus in College Park, Maryland. The amendment, which restates the entire license as amended, (1) authorizes the operation of the reactor in accordance with the licensee's application for amendment dated September 26, 1961 and (2) adds a condition to the license specifying that the licensee shall submit as promptly as practicable, but no later than 60 days after the completion of the new core configuration, a written report to the Commission describing the new measured values of the operating conditions or characteristics of the reactor and evaluating any significant variation of a measured value from its corresponding predicted value.

The Commission has found that operation of the reactor in accordance with the license as amended will not present undue hazard to the health and safety of the public and will not be inimical to the common defense and security.

The Commission has further found that prior public notice of proposed is-

suance of this amendment is not necessary in the public interest since operation of the reactor in accordance with the license as amended would not present any substantial change in the hazards to the health and safety of the public from those already considered acceptable in connection with the previously approved operation of the reactor.

In accordance with the Commission's rules of practice (10 CFR Part 2) the Commission will direct the holding of a formal hearing on the matter of issuance of the license amendment upon receipt of a request therefor from the licensee or an intervener within 30 days after the issuance of the license amendment. Petitions for leave to intervene and requests for a formal hearing shall be filed by mailing a copy to the Office of the Secretary, Atomic Energy Commission, Washington 25, D.C., or by delivery of a copy in person to the Office of the Secretary, Germantown, Maryland, or the Commission's Public Document Room, 1717 H Street NW., Washington, D.C.

For further details see (1) the application for license amendment dated September 26, 1961 by The University of Maryland and (2) a hazards analysis of the proposed amendment prepared by the Division of Licensing and Regulation, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C., or upon request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 31st day of October 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[License No. R-70, Amdt. 2]

License No. R-70 is revised in its entirety to read as follows:

1. This license applies to the light water-moderated and -cooled, pool-type nuclear reactor (hereinafter referred to as "the reactor") which is owned by The University of Maryland and located on the University's campus in College Park, Maryland, and described in the University's application for license dated April 8, 1960, and amendments thereto dated May 27, 1960, July 8, 1960, January 31, 1961, and September 26, 1961 (hereinafter collectively referred to as "the application") and authorized for construction by Construction Permit No. CPRR-53 issued to The University of Maryland.

2. Pursuant to the Atomic Energy Act of 1954, as amended (hereinafter referred to as "the Act") and having considered the record in this matter, the Atomic Energy Commission (hereinafter referred to as "the Commission") finds that:

A. The reactor has been constructed in conformity with the application and Construction Permit No. CPRR-53 and will operate in conformity with the application and in conformity with the Act and the rules and regulations of the Commission;

B. There is reasonable assurance that the reactor can be operated at the designated location without endangering the health and safety of the public;

C. The University of Maryland is technically and financially qualified to operate the reactor, to assume financial responsibility for payment of Commission charges for special nuclear material and to undertake and carry out the proposed activities in accordance with the Commission's regulations;

D. The possession and operation of the reactor and the receipt, possession and use of the special nuclear material in the manner proposed in the application will not be inimical to the common defense and security or to the health and safety of the public; and

E. The University of Maryland is a nonprofit educational institution and will use the reactor for the conduct of educational activities. The University of Maryland is therefore exempt from the financial protection requirement of subsection 170a of the Act.

3. Subject to the conditions and requirements incorporated herein, the Commission hereby licenses The University of Maryland:

A. Pursuant to section 104c of the Act and Title 10, CFR, Chapter I, Part 50, "Licensing of Production and Utilization Facilities", to possess and operate the reactor as a utilization facility at the designated location in College Park, Maryland, in accordance with the procedures and limitations described in the application and this license;

B. Pursuant to the Act and Title 10, CFR, Chapter I, Part 70, "Special Nuclear Material", to receive, possess and use up to 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources for use in connection with operation of the reactor; and

C. Pursuant to the Act and Title 10, CFR, Chapter I, Part 30, "Licensing of Byproduct Material", to possess but not to separate such byproduct material as may be produced by operation of the reactor.

4. This license shall be deemed to contain and be subject to the conditions specified in § 50.54 of Part 50 and § 70.32 of Part 70, Title 10, Chapter I, CFR, and to be subject to all applicable provisions of the Act, and to the rules and regulations and orders of the Commission, now or hereafter in effect, and to the additional conditions specified below:

A. The University of Maryland shall not operate the reactor at power levels in excess of 10 kilowatts (thermal) without prior written authorization from the Commission.

B. In addition to those otherwise required under this license and applicable regulations, The University of Maryland shall keep the following records:

a. Reactor operating records, including power levels.

b. Records of in-pile irradiations.

c. Records showing radioactivity released or discharged into the air or water beyond the effective control of The University of Maryland as measured at the point of such release or discharge.

d. Records of emergency reactor scrams, including reasons for emergency shutdowns.

C. The University of Maryland shall immediately report to the Commission in writing any indication or occurrence of a possible unsafe condition relating to the operation of the reactor.

D. The University of Maryland shall comply with the procedures and precautions described in its submittal dated January 31, 1961 and the following additional limitation:

1. The University of Maryland shall maintain core nuclear instrumentation in operation and shall assure that such instrumentation is attended and observed at all times during operations which could involve changes in core reactivity when the reactor is shutdown.

E. The University of Maryland shall promptly submit a written report to the Commission whenever, during operation of the reactor, any of the operating conditions or characteristics of the reactor which might affect nuclear safety, varies significantly from its predicted value.

F. As promptly as practicable, but no later than 60 days after the completion of the new core configuration described in its application for amendment dated September 26, 1961, The University of Maryland shall submit a written report to the Commission describing the new measured values of the operating conditions or characteristics listed below and evaluating any significant variation of a measured value from the corresponding predicted value:

a. Maximum excess reactivity of the reactor, not including the worth of control rods or other control devices such as burnable poison strips or soluble poison, or any experiments;

b. Total control rod worth;

c. Minimum shutdown margin both at room and operating temperature;

d. Maximum worth of the single control rod of highest reactivity value; and

e. Maximum total and individual worth of any fixed or movable experiments inserted in the reactor.

Included in the above report shall be a summary of the fuel loading steps that were required to effect the proposed core modification, and an accompanying diagram showing the resultant new core configuration.

5. Pursuant to § 50.60 of the regulations in Title 10, CFR, Chapter I, Part 50, the Commission has allocated, in Construction Permit No. CPRR-53, to The University of Maryland for use in connection with operation of the reactor, 4.5 kilograms of uranium 235 contained in enriched uranium and 80 grams of plutonium contained in encapsulated plutonium-beryllium sources.

6. The license shall expire on June 29, 1980, unless sooner terminated.

Date of issuance: October 31, 1961.

For the Atomic Energy Commission.

ROBERT H. BRYAN,
Acting Chief, Research and Power Reactor Safety Branch, Division of Licensing and Regulation.

[F.R. Doc. 61-10641; Filed, Nov. 7, 1961; 8:45 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

[Amdt. 1]

ESTABLISHMENT OF AREAS OF VENUE FOR MARKETING QUOTA REVIEW COMMITTEE PANELS

Missouri

Pursuant to section 3(a)(1) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1002) which requires that the field organization be published in the FEDERAL REGISTER and § 711.12 of the Marketing Quota Review Regulations (25 F.R. 6505) which provides for establishment of areas of venue for marketing quota review committee panels, notice is hereby given that the areas of venue established for the following States (26 F.R. 689) have been revised and established by the ASC State committees as follows:

MISSOURI

Counties of:
Area VI—Add: Perry.
Area V—Remove: Perry.

(Sec. 3, 60 Stat. 238; 5 U.S.C. 1002. Interpret or apply sec. 363, 52 Stat. 63, as amended; 7 U.S.C. 1363)

Done at Washington, D.C., this 2d day of November 1961.

EMERY E. JACOBS,
Acting Administrator, Agricultural Stabilization and Conservation Service.

[F.R. Doc. 61-10679; Filed, Nov. 7, 1961; 8:50 a.m.]

CIVIL AERONAUTICS BOARD

[Docket 12924; Order No. E-17663]

MOHAWK AIRLINES, INC.

Order Granting Tentative Approval

Adopted by the Civil Aeronautics Board at its office in Washington, D.C. on the 2d day of November 1961.

By application filed August 16, 1961, Mohawk Airlines, Inc. requests the Board to approve, pursuant to section 408(b) of the Federal Aviation Act of 1958, as amended (the Act), its acquisition of all the assets of Aeronautical Upholsterers, Inc.[1]

Aeronautical Upholsterers is engaged in the business of designing, installing, and upholstering the interiors of aircraft. Mohawk wishes to purchase, for the sum of $9,990.00, all the assets of Aeronautical Upholsterers and to employ Mr. Charles J. DeBever, the president of Aeronautical Upholsterers, as Director of Interior Decor. Mohawk desires to expand its contract maintenance operations and believes that the employment of Mr. DeBever and the purchase of the assets of Aeronautical Upholsterers will facilitate this expansion. Aeronautical Upholsterers is a family corporation whose business has been wholly generated and supervised by Mr. DeBever and so it will no longer be an operating concern due to Mr. DeBever's employment by Mohawk.

No objections to the application have been filed.

The Board, upon consideration of the application, concludes that the transaction involves the acquisition by Mohawk, an air carrier, of the properties of Aeronautical Upholsterers, a person engaged in a phase of aeronautics, and is therefore subject to the provisions of section 408 of the Act. However, the Board has further concluded tentatively that this transaction does not affect the control of an air carrier directly engaged in the operation of aircraft in air transportation, does not result in creating a monopoly, and does not tend to restrain competition. Furthermore, the Board notes that no person disclosing a substantial interest is currently requesting a hearing. In view of the foregoing, the Board finds that approval of the arrangement would not be inconsistent with the public interest.

In view of the foregoing, the Board tentatively finds that the transaction involved herein should be approved and intends to approve it without a hearing pursuant to the provisions of section 408(b). In accordance therewith, this order constituting notice of such intention will published in the FEDERAL REGISTER and interested persons will be afforded an opportunity to comment on the Board's tentative decision. *Therefore, it is ordered:*

1. That this order be published in the FEDERAL REGISTER;

2. That the Attorney General be furnished a copy of this order within one day of its publication; and

3. That interested persons are afforded a period of fifteen days within which to file comments or request a hearing with respect to the Board's proposed action herein.[2]

By the Civil Aeronautics Board.

[SEAL] HAROLD R. SANDERSON,
Secretary.

[F.R. Doc. 61-10676; Filed, Nov. 7, 1961; 8:50 a.m.]

[1] The Board has decided to waive application of the doctrine expressed in the Sherman Interlocking Relationship Case, 15 CAB 876 (1952), to the extent applicable, and consider the application on its merits.

[2] Such comments shall in all respects conform to the requirements of the Board's rules of practice for the filing of documents.

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 14354; FCC 61-1285]

NEIL N. LEVITT

Order Designating Application for Hearing on Stated Issues

In re application of Neil N. Levitt, Roswell, New Mexico, Docket No. 14354, File No. BP-13811; Requests: 960kc, 1kw, Day, for construction permit. At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 25th day of October 1961;

The Commission having under consideration the above-captioned and described application;

It appearing that the applicant is in all respects qualified except as to the matters involved in the issues set forth below; and

It further appearing that the following matters are to be considered in connection with the aforementioned issues specified below:

1. The subject proposal appears to cause interference within the normally protected service contours of Stations KSEL, Lubbock, Texas, and KGKL, San Angelo, Texas.

2. It has not been determined whether interference received by the subject proposal from KSEL and KGKL will cause population loss in excess of 10 percent.

3. The applicant indicates that the construction and initial operation of the proposed station will be financed with $15,000 "existing capital", $6,000 "new capital", and $10,000 manufacturer's deferred credit. However, Mr. Levitt's balance sheet of January 4, 1960 reflects cash, stocks, and bonds totalling only $3,100 and no agreement on the part of an equipment manufacturer to extend deferred credit has been submitted.

It further appearing, that, in view of the foregoing, the Commission is unable to make the statutory finding that a grant of the subject application would serve the public interest, convenience, and necessity, and is of the opinion that the application must be designated for hearing on the issues set forth below:

It is ordered, That pursuant to section 309(e) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the subject proposal and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal would cause objectionable interference to Stations KSEL, Lubbock, Texas and KGKL, San Angelo, Texas, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether interference received from existing stations would affect more than ten percent of the population within the normally protected primary service area of the instant proposal; in contravention of § 3.28(d)(3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

4. To determine whether the subject applicant is financially qualified to construct and operate his proposed station.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

It is further ordered, That McAlister Broadcasting Corp., and Angelo Broadcasting-Telecasting, Inc., licensees of Stations KSEL and KGKL, respectively, are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicant and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the applicant herein shall, pursuant to section 311(a)(2) of the Communications Act of 1934, as amended, and § 1.362(b) of the Commission's rules, give notice of the hearing, within the time and in the manner prescribed in such rule, and shall advise the Commission of the publication of such notice as required by § 1.362(c) of the rules.

Released: November 1, 1961.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] BEN F. WAPLE,
Acting Secretary.

[F.R. Doc. 61-10638; Filed, Nov. 7, 1961; 8:45 a.m.]

FEDERAL POWER COMMISSION

[Project No. 2079]

PLACER COUNTY WATER AGENCY

California; Notice of Additional Land Withdrawal

NOVEMBER 2, 1961.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, this Commission gave notice March 5, 1953 to the Director, Bureau of Land Management of the reservation of approximately 14,762.66 acres of lands of the United States for Project No. 2079, pursuant to an application for preliminary permit filed March 21, 1951 by the County of Placer, California, as supplemented by revised maps filed June 23, 1952.

On August 6, 1958, Placer County Water Agency, Auburn, California, successor agency for water matters for said county, filed an amended application for preliminary permit as supported by revised projects maps, Exhibits "H" and "I" sheets 1, 2 and 3, embracing the following additional lands of the United States:

MOUNT DIABLO MERIDIAN CALIFORNIA

T. 13 N., R. 10 E.,
Sec. 1: part of Lot 8.
T. 13 N., R. 11 E.,
Sec. 2: Lot 4, SE¼NE¼, NE¼SW¼, S½SW¼, SE¼;
Sec. 3: Lots 1, 2, 3, 4, 5, 6, 7, 10, 11, 12, 13, 14, 15, 16;
Sec. 4: Lot 1, the unpatented portions of Lots 2 and 3, Lots 5, 6, S½NE¼, SE¼NW¼, NE¼SW¼, N½SE¼;
Sec. 5: Lots 6, 8, N½SE¼;
Sec. 6: Lots 3, 4, 5, 6, E½SW¼, S½NE¼SE¼, W½SE¼, SE¼SE¼;
Sec. 7: Lot 1, N½NE¼, NE¼NW¼;
Sec. 10: Lots 1, 2, 3, 4;
Sec. 11: N½N½;
T. 14 N., R. 11 E.,
Sec. 27: S½S½;
Sec. 33: NE¼NE¼, S½N½, SW¼, N½SE¼, the unpatented portion of SW¼SE¼, SE¼SE¼;
Sec. 34: All;
Sec. 35: NW¼.
T. 13 N., R. 12 E.,
Sec. 6: Lots 6, 7, SE¼SW¼, SW¼SE¼;
Sec. 8: S½NE¼;
Sec. 10: SW¼NW¼, S½;
Sec. 12: Lots 1, 2, 3, 4, 5, 6, that portion of Mineral Lot 38 within the project boundary, N½NE¼, SW¼NW¼;
Sec. 14: NW¼NE¼, N½NW¼.
T. 13 N., R. 13 E.,
Sec. 4: Lots 1, 2, 3, SW¼NE¼, S½NW¼, NW¼SW¼;
Sec. 5: Lots 5, 6, 7, 8, 9, SE¼NE¼, NW¼SW¼, E½SE¼, that portion of mineral Lot 38 within the project boundary;
Sec. 6: S½SE¼;
Sec. 7: Lots 1, 2, 3, NE¼, E½NW¼, NE¼SW¼.
T. 14 N., R. 13 E.,
Sec. 34: S½N½, SW¼SW¼;
Sec. 36: N½N½.
T. 15 N., R. 13 E.,
Sec. 23: Lots 1, 4, 5, 12;
Sec. 24: Lots 3, 4, 5, 6, 7, 8, 13, 14, 15, 16, 17, 18;
Sec. 25: Lots 2, 3, 4, 5, 7, 8, 9, E½NW¼, NE¼SW¼, SW¼SW¼;
Sec. 36: Lot 14.
T. 14 N., R. 14 E.,
Sec. 2: N½SW¼, NW¼SE¼;
Sec. 4: W½SW¼, SE¼SW¼;
Sec. 10: NW¼NW¼, E½SE¼;
Sec. 12: SW¼NW¼;
Sec. 16: E½NW¼, SE¼SW¼;
Sec. 22: NW¼NW¼;
Sec. 30: Lot 16;
Sec. 32: S½NW¼, SW¼.
T. 15 N., R. 14 E.,
Sec. 21: S½;
Sec. 28: SE¼NE¼, NW¼NW¼, NE¼SE¼, S½SE¼;
Sec. 29: N½NE¼, NW¼;
Sec. 30: Lot 3, N½SE¼;
Sec. 32: SE¼NE¼, NE¼SW¼, S½SW¼, N½SE¼, SW¼SE¼;
Sec. 33: W½NE¼, NW¼.

On July 3, 1961 the afore-mentioned successor agency filed a further amended application for preliminary permit as supported by revised project maps, Exhibit "H" and "I" sheets 1, 2, and 3 embracing the following additional lands of the United States:

MOUNT DIABLO MERIDIAN CALIFORNIA

T. 13 N., R. 10 E.,
Sec. 1: balance of Lot 8, Lots 9, 10, 14, S½NW¼;
Sec. 2: Lots 8, 9, 15, SE¼SE¼;
Sec. 11: Lot 1, N½SE¼NE¼, SW¼NE¼, SE¼.
T. 13 N., R. 11 E.,
Sec. 5: SE¼SW¼NW¼, S½SE¼NW¼;
Sec. 6: Lots 2, 7, 8;
Sec. 11: SW¼NE¼, S½NW¼, E½SW¼, W½SE¼, SE¼SE¼.
T. 14 N., R. 11 E.,
Sec. 31: W½SW¼, SE¼;
Sec. 32: Lot 1, N½NE¼SW¼, SW¼NE¼SW¼, W½SW¼, N½SE¼.
T. 13 N., R. 12 E.,
Sec. 4: Lot 4;
Sec. 6: Lots 2, 5, SE¼NW¼.
T. 14 N., R. 12 E.,
Sec. 26: S½SE¼;
Sec. 34: S½NE¼, SE¼NW¼, N½S½;
Sec. 36: SW¼NE¼, NW¼, NE¼SW¼, N½SE¼.
T. 13 N., R. 13 E.,
Sec. 6: Lots 3, 4.
T. 14 N., R. 13 E.,
Sec. 24: NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼;
Sec. 26: NW¼NE¼, N½NW¼, SW¼NW¼;
Sec. 28: SE¼SW¼, NE¼SE¼, S½SE¼;
Sec. 32: NE¼, S½NW¼.
T. 14 N., R. 14 E.,
Sec. 16: W½SW¼;
Sec. 20: NE¼NE¼, NW¼NW¼.
T. 15 N., R. 14 E.,
Sec. 31: SE¼SE¼.

Therefore, pursuant to section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the additional lands hereinbefore described, insofar as title thereto remains in the United States, are included in power project No. 2079 and are from the respective dates of filing of applications, reserved from entry, location, or other disposition under the laws of the United States until otherwise directed by this Commission or by Congress.

The additional area reserved pursuant to the filing of these applications is approximately 13,253.56 acres of which 7,893.01 acres have been previously withdrawn for power purposes either in Power Site Classifications Nos. 168, 178, 296, 425, Power Site Reserve No. 693 or in earlier Projects Nos. 334, 816, 818, 866 and 1202.

Of the total additional area reserved, approximately 12,905.22 acres are within the exterior boundaries of the Eldorado or Tahoe National Forests. Approximately 3,326.24 acres of the overall area are also reserved under 1st Form Reclamation Withdrawal in connection with the American River Division of the Central Valley Project.

Copies of project maps, Exhibit "H" and "I" sheets 1, 2, and 3 filed August 6, 1958; Exhibits "H" and "I" sheets 1, 2 and 3 filed July 3, 1961 (FPC Nos. 2079–6 to 13 inclusive) have been transmitted to the Bureau of Land Management, Geological Survey, Forest Service, Bureau of Reclamation and Chief of Engineers, Department of the Army.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61–10648; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. CP62–46, CP62–48]

TRUNKLINE GAS CO. AND MISSISSIPPI RIVER TRANSMISSION CORP.

Notice of Applications and Date of Hearing

NOVEMBER 1, 1961.

Take notice that on August 18, 1961, and August 21, 1961, Mississippi River Transmission Corporation (Mississippi), 9900 Clayton Road, St. Louis 24, Missouri, and Trunkline Gas Company (Trunkline), P.O. Box 1642, Houston 1, Texas, filed, respectively, applications, pursuant to section 7(c) of the Natural Gas Act, for certificates of public convenience and necessity authorizing: (1) Mississippi in Docket No. CP62–48 to construct and operate 1.9 miles of 4-inch pipeline and a meter and regulator station to enable it to sell and deliver up to 1,000 Mcf per day to the St. Charles Gas Corp. (St. Charles); and, (2) Trunkline in Docket No. CP62–46 to increase its presently authorized sales to Mississippi by 1,000 Mcf of natural gas per day to enable the latter to effect the proposed sale to St. Charles.

The proposals of Mississippi and Trunkline are more fully set forth in their respective applications on file with the Commission and open to public inspection.

Mississippi's proposed lateral will extend from the western terminus of its existing 18-inch pipeline in north St. Louis County, Missouri, to a point of connection with an existing pipeline owned and operated by St. Charles. Mississippi states that the gas it proposes to sell to St. Charles will be resold and distributed in St. Charles, Missouri, and environs, and that said gas is required to meet the urgent and increasing demands for natural gas in that area.

Mississippi estimates the cost of its proposed project to be $63,000 which cost will be financed from cash on hand.

The application in Docket No. CP62–48 shows that St. Charles and Mississippi have entered into a precedent agreement,

dated May 26, 1961, providing for the 1,000 Mcf of natural gas per day herein proposed.

Mississippi and Trunkline have entered into an agreement, dated June 7, 1961, providing for an increase of 1,000 Mcf of gas in Mississippi's daily contract quantity from Trunkline. The proposed sale by Trunkline to Mississippi will be made pursuant to Trunkline's FPC Gas Rate Schedule No. P–1.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on December 7, 1961, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however,* That the Commission may, after a noncontested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before November 27, 1961. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefore is made.

JOSEPH H. GUTRIDE,
Secretary.

[F. R. Doc. 61–10649; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. RI62–150—RI62–157]

PAN AMERICAN PETROLEUM CORP. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates [1]

NOVEMBER 1, 1961.

Pan American Petroleum Corporation (Operator, et al., Docket No. RI62–150; Pan American Petroleum Corporation, Docket No. RI62–151; Sinclair Oil & Gas Company, Docket No. RI62–152; Socony Mobil Oil Company, Inc., Docket No. RI62–153; Keating Drilling Company (Operator), et al., Docket No. RI62–154; Texaco, Inc. (Operator), Docket No. RI62–155; Texaco, Inc. (Operator), et al., Docket No. RI62–156; Texaco Inc., Docket No. RI62–157.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date unless suspended	Date suspended until—	Cents per Mcf		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62–150	Pan American Petroleum Corp. (Operator), et al., P.O. Box 591, Tulsa 2, Okla.	32	14	Texas Eastern Transmission Corp. (NE. Lisbon Field, Claiborne Parish, La.).[5]	$274	10–2–61	[1] 11–2–61	4–2–62	[3] 16.211	16.4161	RI61–168
		150	15	Texas Eastern Transmission Corp. (Greenwood-Waskom Field, Caddo Parish, La.).[5]	4,008	10–2–61	11–2–61	4–2–62	[3] 16.211	16.4161	RI61–207
RI62–151	Pan American Petroleum Corp.	39	17	Hassie Hunt Trust (NE. Lisbon Field, Claiborne Parish, La.).[5]	248	10–2–61	[1] 11–2–61	4–2–62	[3] 16.211	16.4161	RI61–167
		149	16	----do [5]	18	10–2–61	[1] 11–2–61	4–2–62	[3] 16.211	16.4161	RI61–167
		172	6	Texas Eastern Transmission Corp. (Bethany-Longstreet Field, DeSoto Parish, La.).[5]	247	10–2–61	[1] 11–2–61	4–2–62	[3] 16.211	16.4161	RI61–167
RI62–152	Sinclair Oil & Gas Co., P.O. Box 521, Tulsa 2, Okla.	192	4	H. L. Hunt, et al. (North Lansing Field, Harrison County, Tex.).[6]	1,259	10–3–61	[2] 11–3–61	4–3–62	[4] 14.5	14.7	RI61–530
RI62–153	Socony Mobil Oil Co. Inc., 150 East 42d Street, New York 17, N.Y.	37	10	Trunkline Gas Co. (Bearhead Creek Field, Beauregard Parish, La.).[7]	31,173	10–9–61	[1] 11–9–61	4–9–62	[3] 11.4417	20.9	----------
RI62–154	Keating Drilling Co. (Operator, et al. c/o John L. Arrington, Jr., Attorney, 510 Oklahoma Natural Building, Tulsa 19, Okla.	1	1	Panhandle Eastern Pipe Line Co. (Light-Greenough Field, Beaver County, Okla.).	291 291	10–2–61	[1] 11–8–61	4–8–62	[4] 12.2828	13.1761	----------
RI62–155	Texaco Inc. (Operator), P.O. Box 2332, Houston, Tex.	2	10	United Fuel Gas Co. (various flds., Terrebonne, St. Charles, Lafourche, and Jefferson Parishes, La.).[7]	96,469	10–2–61	[2] 11–2–61	4–2–62	[3] 19.9	20.3	RI61–148
RI62–156	Texaco Inc. (Operator), et al.	3	15	United Fuel Gas Co. (Valentine Field, Lafourche Parish, La.).[7]	32,379	10–2–61	[2] 11–2–61	4–2–62	[3] 19.9	20.3	RI61–149
RI62–157	Texaco Inc.	4	9	United Fuel Gas Co. (East Mud Lake Field, Cameron Parish, La.).[7]	46,134	10–2–61	[2] 11–2–61	4–2–62	[3] 19.9	20.3	RI61–150
		5	9	United Fuel Gas Co. (Horseshoe Bayou-Bayou Sale Field, St. Mary Parish, La.).[7]	2,272	10–2–61	[2] 11–2–61	4–2–62	[3] 19.9	20.3	RI61–150
		200	3	United Fuel Gas Co. (Midland Field, Acadia Parish, La.).[7]	1,313	10–2–61	[2] 11–2–61	4–2–62	[3] 19.9	20.3	RI61–150

[1] The stated effective date is that requested by Respondent.
[2] The stated effective date is the first day after expiration of the required statutory notice.
[3] The pressure base is 15.025 psia.
[4] The pressure base is 14.65 psia.
[5] Northern Louisiana.
[6] Texas Railroad District No. 6.
[7] Southern Louisiana.

The proposed increased rates exceed the applicable area price levels.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 and 1.37) on or before December 18, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10650; Filed, Nov. 7, 1961; 8:46 a.m.]

[Docket Nos. RI62-158—RI62-165]

SIMMONS GAS CO. ET AL.

Order Providing for Hearings on and Suspension of Proposed Changes in Rates and Allowing Rates To Become Effective [1]

NOVEMBER 1, 1961.

Simmons Gas Company, Docket No. RI62-158; Wirt County Oil and Gas Company, Docket No. RI62-159; H. B. Scott, Docket No. RI62-160; Stump Gas Company, Docket No. RI62-161; O. L. Warren, Docket No. RI62-162; Phil D. Phillips, et al., Docket No. RI62-163; Four Way Oil & Gas Company, Docket No. RI62-164; Carroll Gas Company, Docket No. RI62-165.

The above-named respondents have tendered for filing proposed changes in presently effective rate schedules for sales of natural gas subject to the jurisdiction of the Commission. The proposed changes are designated as follows:

Docket No.	Respondent	Rate schedule No.	Supplement No.	Purchaser and producing area	Amount of annual increase	Date filing tendered	Effective date [2] unless suspended	Date suspended until—	Cents per Mcf [3]		Rate in effect subject to refund in docket Nos.
									Rate in effect	Proposed increased rate	
RI62-158	Simmons Gas Co., c/o Hays and Co., Agent, Spencer, W. Va.	1	4	Cabot Corp. (Lee District, Calhoun County, W. Va.).	$98	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-159	Wirt County Oil and Gas Co. (address same as above).[1]	2	3	Cabot Corp. (Burning Springs District, Wirt County, W. Va.).	51	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-160	H. B. Scott (address same as above).	8	3	Cabot Corp. (DeKalb District, Gilmer County, W. Va.).	31	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-161	Stump Gas Co. (address same as above).[1]	1	4	Cabot Corp. (Center District, Gilmer County, W. Va.).	73	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-162	O. L. Warren (address same as above).[1]	1	3	do	239	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-163	Phil D. Phillips, et al. (address same as above).[1]	2	3	do	921	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
		1	4	Cabot Corp. (Washington District, Calhoun County, W. Va.).	93	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-164	Four Way Oil & Gas Co. (address same as above).[1]	1	4	do	99	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	
RI62-165	Carroll Gas Co. (address same as above).[1]	1	4	Cabot Corp. (Sheridan District, Calhoun County, W. Va.).	247	10- 2-61	11- 2-61	[4] 11- 3-61	12.0	13.824	

[1] c/o Hays and Company, Agent, Spencer, W. Va.
[2] The stated effective date is the first day after expiration of the required thirty days' notice.
[3] The pressure base is 15.325 psia.
[4] Suspended for one day. Revenue-sharing increase based on purchaser's rate to Hope Natural Gas Co., which was previously suspended and is now in effect subject to refund in Docket No. RI61-308.

The proposed increases are based upon revenue-sharing provisions in the contracts of sale with Cabot Corporation; Cabot's sales are currently in effect subject to refund in Docket No. RI61-308.

The increased rates and charges so proposed may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practices and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the several proposed increased rates and charges contained in the above-designated supplements.

(B) Pending hearings and decisions thereon, the above-designated rate supplements are hereby suspended and the use thereof deferred until the date indicated in the above "Date Suspended Until" column, and thereafter until such further time as they are made effective in the manner prescribed by the Natural Gas Act: *Provided, however,* That the supplements shall become effective subject to refund on the date and in the manner herein prescribed if within 20 days from the date of issuance of this order respondents shall execute and file under the above-designated docket numbers with the Secretary of the Commission their agreement and undertakings to comply with the refunding and reporting procedure required by the Natural Gas Act and § 154.102 of the regulations thereunder, accompanied by certificates showing service of copies thereof upon all purchasers under the rate schedules involved. Unless respondents are advised to the contrary within 15 days after the filing of such agreement and undertakings, the agreement and undertakings shall be deemed to have been accepted.

(C) Neither the supplements hereby suspended, nor the rate schedules sought to be altered thereby, shall be changed until these proceedings have been disposed of or until the periods of suspension have expired,, unless otherwise ordered by the Commission.

(D) Notices of intervention or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of

[1] This order does not provide for the consolidation for hearing or disposition of the several matters covered herein, nor should it be so construed.

practice and procedure (18 CFR 1.8 and 1.37) on or before December 18, 1961.

By the Commission.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 61-10651; Filed, Nov. 7, 1961; 8:47 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 184]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

NOVEMBER 3, 1961.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at no intermediate points have been filed with the Interstate Commerce Commission, under the Commission's deviation rules revised, 1957 (49 CFR 211.1 (c)(8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d)(4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's deviation rules revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 6894 (Deviation No. 1), MELVIN TRUCKING COMPANY, 1818 South Washington Street, Peoria, Ill., filed October 25, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Peoria, Ill., over U.S. Highway 24 to junction U.S. Highway 66, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From Peoria, Ill., over Illinois Highway 116 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, and thence over U.S. Highway 66 to Chicago, Ill.; from Chicago over U.S. Highway 66 to junction Alternate U.S. Highway 66, thence over Alternate U.S. Highway 66 to junction U.S. Highway 66, thence over U.S. Highway 66 to junction unnumbered highway, thence over unnumbered highway via Staunton, Ill., to junction Illinois Highway 4, thence over Illinois Highway 4 to junction U.S. Highway 66, thence over U.S. Highway 66 to Junction City U.S. Highway 66, and thence over City U.S. Highway 66 to St. Louis, Mo., and return over the same routes.

No. MC 11220 (Deviation No. 5), GORDONS TRANSPORTS, INC., 185 W. McLemore Avenue, Memphis 2, Tenn., filed October 26, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Little Rock, Ark., over U.S. Highway 67 to Texarkana, Ark.-Tex., thence over U.S. Highway 71 to Shreveport, La., thence over U.S. Highway 80 to Dallas, Texas, and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Little Rock, over U.S. Highway 65 to Conway, Ark., thence over U.S. Highway 64 to Russellville, Ark., thence over Arkansas Highway 7 to Dardenelle, Ark., thence over Arkansas Highway 22 to Fort Smith, Ark., thence over Arkansas Highway 45 to junction U.S. Highway 271, thence over U.S. Highway 271 to junction U.S. Highway 70, thence over U.S. Highway 70 to Durant, Okla., thence over U.S. Highway 75 to Dallas, and return over the same route.

No. MC 51255 (Deviation No. 5), HAECKL'S EXPRESS, INCORPORATED, P.O. Box 2025, Terre Haute, Ind., filed October 23, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route between Lincoln and Omaha, Nebr., over Interstate Highway 80, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over a pertinent service route as follows: From Chicago, Ill., over Alternate U.S. Highway 30 to junction unnumbered highway at a point approximately two and one-half miles southeast of Emerson, Ill., thence over unnumbered highway via Emerson to junction U.S. Highway 30 at a point approximately three miles southwest of Emerson, thence over U.S. Highway 30 to junction Iowa Highway 131, thence over Iowa Highway 131 to junction Iowa Highway 212, thence over Iowa Highway 212 to junction U.S. Highway 30, thence over U.S. Highway 30 to Missouri Valley, Iowa, thence over U.S. Highway 75 to Council Bluffs, Iowa, thence over city streets to Omaha, thence over Nebraska Highway 38 to junction Nebraska Highway 50, thence over Nebraska Highway 50 to Millard, Nebr., thence over Nebraska Highway 31 to junction U.S. Highway 6, thence over U.S. Highway 6 to Lincoln, and return over the same route.

No. MC 111231 (Deviation No. 11), JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark., filed October 25, 1961. Carrier's representative B. J. Wiseman, same address. Carrier proposes to operate as a *common carrier,* by motor vehicle, of *general commodities,* with certain exceptions, over a deviation route as follows: From Onarga, Ill., over U.S. Highway 45 to Effingham, Ill., thence over Illinois Highway 37 to Cairo, Ill., and thence over U.S. Highway 62 to Malden, Mo., and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over pertinent service routes as follows: From St. Louis, Mo., over U.S. Highway 66 to junction Illinois Highway 3, thence over Illinois Highway 3 to junction By-Pass U.S. Highway 66, thence over By-Pass U.S. Highway 66 via Hamel, Ill., to junction U.S. Highway 66, thence over U.S. Highway 66 via Livingston, Ill., to junction unnumbered highway near Mt. Olive, Ill., thence over unnumbered highway via Mt. Olive to junction U.S. Highway 66, thence over U.S. Highway 66 via Litchfield, Springfield, and Lincoln, Ill., to junction unnumbered highway near Atlanta, Ill.; from St. Louis as specified above to junction U.S. Highway 66 and Illinois Highway 48, thence over Illinois Highway 48 via Decatur, Ill., to junction U.S. Highway 54, thence over U.S. Highway 54 to Onarga; from St. Louis over U.S. Highway 61 to Jackson, Mo., thence over Missouri Highway 25 to the Missouri-Arkansas State line, and return over the same routes.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Deviation No. 69), THE GREYHOUND CORPORATION, 1740 Main Street, Kansas City 8, Kans., filed October 27, 1961. Carrier proposes to operate as a *common carrier,* by motor vehicle of *passengers and their baggage,* over a deviation route as follows: From Webb City, Mo., over relocated U.S. Highway 66 to junction U.S. Highway 166, thence over U.S. Highway 166 to junction Missouri Highway 43 (south of Joplin, Mo.), and return over the same route, for operating convenience, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport passengers over pertinent service routes as follows: From Webb City, over Missouri Highway 171 (formerly U.S. Highway 66) to junction Missouri Highway 43 (formerly U.S. Highway 66), thence over Missouri Highway 43 to Joplin; from Joplin over Missouri Highway 43 to junction U.S. Highway 166 (formerly Missouri Dual Highway), thence over U.S. Highway 166 to the Missouri-Oklahoma State Line and return over the same routes.

By the Commission.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10668; Filed, Nov. 7, 1961; 8:49 a.m.]

[Notice 405]

MOTOR CARRIER APPLICATIONS AND CERTAIN OTHER PROCEEDINGS

NOVEMBER 3, 1961.

The following publications are governed by the Interstate Commerce Commission's general rules of practice including special rules (49 CFR 1.241) governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and

certain other proceedings with respect thereto.

All hearings and pre-hearing conferences will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time, if that time is observed), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 22195 (Sub-No. 84), filed August 10, 1961. Applicant: DAN S. DUGAN, doing business as DUGAN OIL & TRANSPORT CO., P.O. Box 946, 41st Street and Grange Avenue, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, as described in Appendix XIII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, (1) from the site of the Oil-Chem Corporation plant near Lignite, N. Dak. and points within 25 miles thereof to points in Montana, South Dakota, Minnesota, and points in North Dakota on the International Boundary line between the United States and Canada, and (2) from the site of the Hunt Oil Co. plant near McGregor, N. Dak., and points within 25 miles thereof to points in Montana, South Dakota, Minnesota, and points in North Dakota on the International Boundary line between the United States and Canada.

HEARING: November 27, 1961, at the Yellowstone County Court House, Billings, Mont., before Examiner Armin G. Clement.

No. MC 51012 (Sub-No. 16), filed October 23, 1961. Applicant: JIMMIE THOMAS BRYANT, doing business as J. T. BRYANT, 822 East Washington Street, Suffolk, Va. Applicant's attorney: Paul A. Sherier, 613 Warner Building, 13th and E Streets NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper tea bag wrappers and paper boxes* when moving in mixed truckloads with *peanuts and peanut products*, from Suffolk, Va. to Chicago, Ill.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 55852 (Sub-No. 5), filed October 23, 1961. Applicant: SEWELL'S MOTOR EXPRESS, INCORPORATED, 218 East 24th Street, Norfolk, Va. Applicant's attorney: John C. Goddin, Insurance Building, 10 South 10th Street, Richmond 19, Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (I) *Lumber* (except plywood and veneer), (a) from Norfolk, Va., and points within thirty-five (35) miles thereof, to (1) points in North Carolina; (2) points in Pennsylvania west of U.S. Highway 11; (3) points in New Jersey west of a line fifteen (15) miles west of U.S. Highway 1, (4) points in New York (except New York, N.Y.), and (5) points in Connecticut, Rhode Island and Massachusetts and (b) from points in Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, Washington, D.C., and Virginia to Norfolk, Va., and points within thirty-five (35) miles thereof, on flat bed equipment only. (II) *Malt beverages*, (a) from Newark, N.J., Philadelphia, Pa., and Baltimore, Md., to points in Accomack and Northampton Counties, Va., and (b) from Cranston, R.I., to Norfolk, and Newport News and points in Accomack and Northampton Counties, Va., (III) *empty malt beverage containers*, (a) from points in Accomack and Northampton Counties, Va., to Newark, N.J., Philadelphia, Pa. and Baltimore, Md., (b) from Norfolk and Newport News and points in Accomack and Northampton Counties, Va., to Cranston, R.I., and (4) *Wood sawdust and shavings;* from Norfolk, Va. and points within thirty-five (35) miles thereof, to points in Maryland, Delaware, Pennsylvania, New Jersey, New York, Connecticut, Rhode Island, Massachusetts, North Carolina and the District of Columbia.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Parks M. Low.

No. MC 87720 (Sub-No. 6), filed October 11, 1961. Applicant: BASS TRANSPORTATION CO., INC., Star Route A, Old Croton Road, Flemington, N.J. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Iron castings and products*, on vehicles with special crane or boom devices, from Flemington, N.J., to points in New York, New Jersey, Connecticut, Pennsylvania, Delaware, and Maryland, and (2) *Wooden patterns*, from the above-described destination territory to Flemington, N.J.

NOTE: Applicant states the proposed service is to be performed under contract or continuing contracts with Foran Foundry and Manufacturing Co. of Flemington, N.J.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 94265 (Sub-No. 79), filed October 6, 1961. Applicant: BONNEY MOTOR EXPRESS, INC., P.O. Box 12388, Thomas Corner Station, Norfolk, Va. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paper tea bag wrappers and paper boxes, peanuts, and peanut products*, from Suffolk, Va., to Chicago, Ill. and (2) *cream-filled sandwiches, peanuts and peanut products*, from Suffolk, Va. to St. Louis, Mo.

NOTE: Applicant states the commodities shown in (1) and (2) above, will move in mixed truck loads.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Samuel Horwich.

No. MC 103993 (Sub-No. 152) (AMENDMENT), filed August 14, 1961, published FEDERAL REGISTER, issue October 25, 1961, amended November 2, 1961, republished as amended this issue. Applicant: MORGAN DRIVE-AWAY, INC., 500 Equity Building, Elkhart, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Washington (except from Veradale, Wash.), to points in the United States, including Alaska, but (excluding Hawaii), and (2) *Campers and camp coaches*, designed for installation on pickup trucks, in truckaway service, from points in Washington, to points in the United States, including Alaska, but (excluding Hawaii).

NOTE: The purpose of this republication is to include No. 2 above.

HEARING: Remains as assigned November 30, 1961, at the Federal Office Building, Seattle, Wash., before Examiner Armin G. Clement.

No. MC 105461 (Sub-No. 35), filed October 24, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Aluminum furniture, wooden furniture, wooden toys*, and *wooden gates, ironing tables and clothes dryers*, from Wellsville, N.Y., to New York, N.Y., and points on Long Island, N.Y., Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), Delaware (except points in New Castle County), New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.), and Maryland (except points located within the Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within 8 miles thereof). (2) *Aluminum furniture*, from Whitesville, N.Y., to New York, N.Y., and points on Long Island, N.Y., Pennsylvania (except points in Chester, Delaware, Montgomery, Philadelphia, and Bucks Counties), Delaware (except points in New Castle County), New Jersey (except points on and south of U.S. Highway 30 and points within 45 miles of Kennett Square, Pa.) and Maryland (except points located within Washington, D.C., Commercial Zone, as defined by the Commission, and Baltimore, Md., and points within 8 miles thereof).

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William E. Messer.

No. MC 105461 (Sub-No. 36), filed October 24, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Containers*

and advertising materials, in mixed shipments with glass bottles, total weight of containers and advertising materials not to exceed ten percent (10%) of total weight of shipment, (1) between Elmira, N.Y., on the one hand, and, on the other, points in Pennsylvania and New Jersey, and (2) between Elmira, N.Y., on the one hand, and, on the other, points in Delaware.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Walter R. Lee.

No. MC 105461 (Sub-No. 37), filed October 26, 1961. Applicant: HERR'S MOTOR EXPRESS, INC., Quarryville, Pa. Applicant's representative: Bernard N. Gingerich, Quarryville, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Grass stop,* in rolls, *metal stove shovels,* and *building materials made of sheet metals,* from the site of the plant of Penn Supply and Metal Corporation at Philadelphia, Pa., to points in Ashtabula, Belmont, Carroll, Columbiana, Cuyahoga, Geauga, Harrison, Jefferson, Lake, Lorain, Mahoning, Medina, Portage, Stark, Summit, Trumbull, Tuscarawas, and Wayne Counties, Ohio.

HEARING: January 9, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William R. Tyers.

No. MC 105813 (Sub-No. 47), filed October 27, 1961. Applicant: BELFORD TRUCKING CO., INC., 1299 NW 23d Street, Miami 42, Fla. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Canned and preserved foodstuffs,* from Austin, Converse and Red Key, Ind., to points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia. (2) *Equipment, materials and supplies* used in the manufacture, sale and distribution of canned goods from points in Alabama, Florida, Georgia, Louisiana, Maryland, Mississippi, North Carolina, South Carolina, Virginia, West Virginia, and the District of Columbia to Austin, Converse, and Red Key, Ind.

HEARING INFORMATION: By Order dated October 27, 1961, the subject application was assigned for hearing November 1, 1961, at the U.S. Court Rooms, Knoxville, Tenn., before examiner James A. McKiel, along with the application of Newman and Pemberton Corporation, No. MC 117416 (Sub-No. 5), which seeks identical authority. That application was published in the FEDERAL REGISTER, issue of September 27, 1961. The purpose of this late publication of the same issues in the instant application is to advise that any person or persons who might have been prejudiced by lack of sufficient notice prior to hearing, may, within 30 days from the date of this publication, file a petition for further hearing in the instant proceeding to wit: No. MC 105813 (Sub-No. 47).

No. MC 106965 (Sub-No. 179), filed October 25, 1961. Applicant: M. I. O'BOYLE & SON, INC. doing business as O'BOYLE TANK LINES, 1825 Jefferson Place NW., Washington 6, D.C. Applicant's attorney: Dale C. Dillon (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Corn syrup and blends of corn syrup and liquid sugar,* in bulk, in tank vehicles, from Suffolk, Va., to points in Maryland, and North Carolina, those in Sussex County, Del., and the District of Columbia.

NOTE: Applicant states that it is under common control with O'Boyle Tank Lines, Incorporated, a Virginia corporation, which is a carrier of petroleum products, in bulk, in tank vehicles from Friendship, N.C., to southern Virginia.

HEARING: December 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Pellerzi.

No. MC 107107 (Sub-No. 178) (SECOND AMENDMENT), filed August 25, 1961, published in FEDERAL REGISTER, issue October 11, 1961, amended October 20, 1961, and further amended October 27, 1961, republished as further amended this issue. Applicant: ALTERMAN TRANSPORT LINES, INC., P.O. Box 65 Allapattah Station, Miami 42, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Candy;* (2) *confectionery;* (3) *candy and confectionery coatings;* (4) *chocolate;* (5) *candy and confectionery materials;* (6) *syrups;* (7) *cocoa;* and (8) *advertising, promotional and display materials* and *premiums,* from Hershey, Pa., and points in Lancaster County, Pa., to points in Florida.

NOTE: The purpose of this republication is to broaden the scope of the application as to the commodities proposed to be transported.

HEARING: Remains as assigned December 13, 1961, at the Dupont Plaza Hotel, 300 Biscayne Boulevard Way, Miami, Fla., before Examiner William R. Tyers.

No. MC 107403 (Sub-No. 364), filed October 16, 1961. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorneys: Shertz, Barnes and Shertz, Suite 601, 226 South 16th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Coal tar and coal tar products,* in bulk, in tank vehicles, from Indianapolis, Ind., to points in Illinois, Michigan, and Ohio.

NOTE: Applicant holds contract carrier authority in MC 117637 and subs thereunder, therefore dual operations may be involved.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner C. Evans Brooks.

No. MC 107871 (Sub-No. 9), filed October 30, 1961. Applicant: BONDED FREIGHTWAYS, INC., 441 Kirkpatrick Street West, P.O. Box 1012, Syracuse, N.Y. Applicant's attorney: Herbert M. Cantor, 5th Floor, Weiler Building, 407 South Warren Street, Syracuse 2, N.Y. Authority sought to operate as a *common carrier,* by motor vehicles, over irregular routes, transporting: *Petroleum and petroleum products,* in bulk, in tank vehicles, from points in Albany, Schenectady, and Rensselaer Counties, N.Y., to points in Vermont and New Hampshire, and *damaged, refused and rejected shipments* of the above commodities, on return.

HEARING: November 13, 1961, at the Federal Building, Albany, N.Y., before Examiner Abraham J. Essrick.

No. MC 109677 (Sub-No. 25), filed October 24, 1961. Applicant: FORT EDWARD EXPRESS CO., INC., Route 9, Saratoga Road, Fort Edward, N.Y. Applicant's attorney: Harold G. Hernly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Lignin liquor,* in bulk, in tank vehicles, from Corinth, N.Y., to East Bridgewater and Wilmington, Mass.

HEARING: December 15, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James O 'D Moran.

No. MC 109749 (Sub-No. 19) filed September 18, 1961. Applicant: GAIL W. DAHL AND FRED HEGAN, doing business as DAHL TRUCK LINE, 4120 Floyd Avenue, Sioux City, Iowa. Applicant's attorneys: Nelson, Harding & Acklie, 605 South 12th Street, P.O. Box 2041, Lincoln 8, Nebr. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Meat and packing-house products,* as described by the Commission in Appendix I, Sections A, B, C, and D, 61 M.C.C. 209; (1) between Sioux City, Iowa and points in Nebraska on and west of U.S. Highway 83; and (2) between North Platte, Nebr., and Sioux City, Iowa.

NOTE; Applicant states that Partner Fred E. Hagen holds certain contract authority under MC 115915, and subs thereto, but such authority does not duplicate in any way that now held or sought by the applicant partnership. Applicant further advises that all service is to be performed under continuing contracts with Armour & Company, Sioux City, Iowa.

HEARING: December 1, 1961, at the Nebraska State Railway Commission, Capitol Building, Lincoln, Nebr., before Joint Board No. 185, or, if the Joint Board waives its right to participate, before Examiner A. Lane Cricher.

No. MC 110525 (Sub-No. 470), filed October 18, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewiez, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Dry cement,* from Jersey City, N.J., to points in Dutchess, Nassau, Orange, Putnam, Rockland, Suffolk, Sullivan, Ulster, and Westchester Counties, N.Y., including New York City, N.Y., and Fairfield and New Haven Counties, Conn., and *rejected shipments,* on return.

NOTE: Applicant states it is directly or indirectly affiliated with or controlled by, "as described in Samuel F. Niness—Control:

Chemical Tank Lines, Inc.—Purchase (portion)—LEAMAN TRANSPORTATION COMPANY, INC. AND LEAMAN TRANSPORTATION CORPORATION, DOCKET NO. MC-F-3880, decided October 7, 1948, as amended on December 1, 1948 and December 23, 1948." Applicant has contract authority under MC117507 and Subs thereunder; therefore, dual operations may be involved.

HEARING: December 18, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 110698 (Sub No. 185), filed October 2, 1961. Applicant: RYDER TANK LINE, INC. (York Division), 9020 La Porte Expressway, Houston 17, Tex. Applicant's attorney: Dale Woodall, P.O. Box 26035, Houston 32, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting; *Liquid chemicals* (not restricted to those described in the Maxwell case), in bulk, in tank vehicles, from points in Nueces County, Tex., to points in California, Colorado, Florida, Georgia, Illinois, Indiana, Kentucky, Michigan, Minnesota, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Virginia, Washington, Wisconsin, and Wyoming.

HEARING: December 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. MC 112497 (Sub-No. 178) (CLARIFICATION-CORRECTION), filed August 4, 1961, published FEDERAL REGISTER, issue of October 25, 1961, and republished this issue. Applicant: HEARIN TANK LINES, INC., 6440 Rawlins Street, Baton Rouge, La. Applicant's attorney: Harry C. Ames, Jr., Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Vinyl Chloride, vinyl acetate and methanol,* in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of Wyandotte Chemical Corporation, Geismar, La.), to Demopolis, Ala., Illiopolis, Ill., and Fayetteville, N.C., and (2) *synthetic resins and formaldehyde,* in bulk, in tank vehicles, from Geismar, La., and points within five (5) miles thereof (except from the plant site of Wyandotte Chemical Corporation, Geismar, La.), to points in Arkansas, Mississippi, and Texas.

NOTE: The purpose of this republication is to show the origin point in (2) above inadvertently omitted from previous publication.

HEARING: Remains as assigned, December 6, 1961, at the Federal Office Building, 600 South Street, New Orleans, La., before Examiner Charles J. Murphy.

No. MC 113514 (Sub-No. 80), filed October 2, 1961. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Liquid chemicals* (not restricted to the Maxwell case), in bulk, in tank vehicles, from points in Nueces County, Tex., to points in Washington, Oregon, California, Wyoming, Colorado, North Dakota, Minnesota, Wisconsin, Illinois, Michigan, Indiana, Ohio, Pennsylvania, Kentucky, Tennessee, North Carolina, South Carolina, Georgia, Florida, and Virginia.

HEARING: December 7, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Dallas B. Russell.

No. 114019 (Sub-No. 66), filed October 24, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* (1) from Baltimore, Md., to St. Louis, Mo., and points in Pennsylvania, New Jersey, New York, Ohio, West Virginia, Michigan, Wisconsin, Kentucky, Iowa, Illinois, and Indiana; and (2) from New York, N.Y., to St. Louis, Mo., and points in New Jersey, West Virginia, Michigan, Wisconsin, Kentucky, and Iowa.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: January 11, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Garland E. Taylor.

No. MC 114019 (Sub-No. 67), filed October 24, 1961. Applicant: MIDWEST EMERY FREIGHT SYSTEM, INC., 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Crude rubber and liquid latex* (except in bulk, in tank vehicles), between points in Arkansas, Connecticut, Delaware, the District of Columbia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Dakota, Ohio (except Akron), Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant states it and Midwest Transfer Company of Illinois are commonly controlled and managed pursuant to authority granted by the Commission.

HEARING: January 8, 1962, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Alfred B. Hurley.

No. MC 114045 (Sub-No. 76), filed October 16, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Confectionery products,* (a) from Reading, West Reading, and Lititz, Pa., to points in Texas, Oklahoma, Mississippi, Louisiana, Alabama, and Kentucky; and (b) from Hershey, Pa., to points in Oklahoma, Alabama, Kentucky, Arkansas, and Memphis, Tenn.

HEARING: December 12, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Frank J. Mahoney.

No. MC 114045 (Sub-No. 78), filed October 20, 1961. Applicant: TRANS-COLD EXPRESS, INC., P.O. Box 5842, Dallas, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Frozen foods,* from Westchester, Pa., to points in Arizona, Illinois, Louisiana, Arkansas, Mississippi, Alabama, Georgia, Florida, Virginia, West Virginia, Maryland, New Jersey, New York, Kentucky, Tennessee, Ohio, Indiana, Michigan, Wisconsin, Minnesota, Iowa, Kansas, Missouri, Oklahoma, Texas, Utah, Colorado, Nebraska, North Dakota, South Dakota, New Mexico, and California.

HEARING: December 14, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allen W. Hagerty.

No. MC 116763 (Sub-No. 19), filed October 12, 1961. Applicant: CARL SUBLER TRUCKING, INC., Auburndale, Fla. Applicant's attorneys: Benjamin J. Brooks, 4700 Connecticut Avenue NW., Washington 8, D.C., and Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: (1) *Canned goods;* from points in Daviess and Hancock Counties, Ky., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin; and (2) *Empty cans, can lids, ends, and labels;* from points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, New York, Ohio, Pennsylvania, Tennessee, West Virginia, and Wisconsin, to points in Daviess and Hancock Counties, Ky.

HEARING: December 11, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Raymond V. Sar.

No. MC 116901 (Sub No. 1), filed May 22, 1961. Applicant: HARDIN-HOUSTON, INC., P.O. Box 102, Hobbs, N. Mex. Applicant's attorney: Harold O. Waggoner, Simms Building, P.O. Box 1035, Albuquerque, N. Mex. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Petroleum,* including *crude oil* of all types, and specifically including *drip gas* and *drip gasoline,* in bulk, in tank vehicles, between points in Chaves, Eddy, Lea, and Roosevelt Counties, N. Mex., and points in Andrews, Bailey, Borden, Cochran, Crane, Culberson, Dawson, Ector, Gaines, Garza, Hockley, Howard, Lamb, Loving, Lynn, Martin, Midland, Mitchell, Reeves, Scurry, Terry, Winkler, and Yoakum Counties, Tex.

HEARING: November 29, 1961, at the city hall, Hobbs, N. Mex., before Joint Board No. 33.

No. MC 117574 (Sub-No. 58), filed October 13, 1961. Applicant: DAILY EXPRESS, INC., Box 311, Route 2,

Carlisle, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Agricultural implements,* from Zanesville, Ohio, to points in Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, New Jersey, Delaware, Maryland, Virginia, Pennsylvania, and West Virginia.

HEARING: December 13, 1961, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Gerald F. Colfer.

No. MC 118101 (Sub No. 3), filed April 24, 1961. Applicant: RAY GILBERT, JR., Route 3, P.O. Box 390, 3111 North 32d Street, Muskogee, Okla. Applicant's attorney: W. T. Brunson, 419 Northwest Sixth Street, Oklahoma City 3, Okla. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Bananas,* from New Orleans, La., to Lincoln, Hastings, Omaha, Scottsbluff, McCook, and Holdrege, Nebr.; Poplar Bluff and Joplin, Mo.; Austin, Mankato, Rochester, and Winona, Minn.; Casper, Wyo.; Fort Dodge, Esterville, Waterloo, and Des Moines, Iowa; Salina and Topeka, Kans.; and Rapid City, S. Dak.; and *exempt commodities,* on return.

HEARING: December 4, 1961, at the Federal Building, Oklahoma City, Okla., before Examiner Bernard J. Hasson, Jr.

No. MC 123435 (Sub-No. 2), filed September 25, 1961. Applicant: PACIFIC MOLASSES TRANSPORT COMPANY, doing business as P/M TRANSPORT COMPANY, a corporation, 215 Market Street, San Francisco, Calif. Applicant's attorney: Wyman C. Knapp, 740 Roosevelt Building, 727 West Seventh Street, Los Angeles 17, Calif. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Alfalfa pellets,* in bulk, in specially designed hopper tanks, *contaminated and rejected shipments* of the specified commodity, between Pixley, Madera, Blythe, El Centro, and Brawley, Calif., and points within ten (10) miles of each, on the one hand, and, on the other, Los Angeles Harbor, Long Beach Harbor, and San Diego Harbor, Calif.

HEARING: December 8, 1961, at the Federal Building, Los Angeles, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 123787 (Sub-No. 1) (AMENDMENT), filed August 9, 1961, published in FEDERAL REGISTER, issue of October 25, 1961, amended October 31, 1961, republished, as amended, this issue. Applicant: HAGGARTY TRANSPORT LTD., Wooler, Ontario, Canada. Applicant's attorney: Thomas J. Runfola, 631 Niagara Street, Buffalo 1, N.Y. Authority sought to operate as a *contract carrier,* by motor vehicle, over irregular routes, transporting: *Calcium chloride* and *soda ash,* in bags and in bulk; from Ogdensburg, Alexandria Bay, Clayton, and Rooseveltown, N.Y., to Ports of Entry on the International Boundary between the United States and Canada located on the St. Lawrence River, and *empty containers or other such incidental facilities,* used in transporting the above-described commodities, on return.

NOTE: The amendment adds the words "and in bulk" to the commodity description.

HEARING: Remains as assigned, December 6, 1961, at the Federal Building, Syracuse, N.Y., before Examiner Laurence E. Masoner.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 2043 (Sub-No. 10), filed October 30, 1961. Applicant: ACE VAN LINES, INC., P.O. Box 785, South Bend, Ind. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Meats, meat products,* and *meat byproducts, dairy products* and *articles* distributed by meat packing houses as described in *Descriptions in Motor Carrier Certificates,* 61 M.C.C. 209 and 766, from South Bend, Ind., to points in Lake County, Ind., and *rejected and refused shipments* of the above described commodities, on returns.

No. MC 3009 (Sub-No. 43), filed October 30, 1961. Applicant: WEST BROTHERS, INC., 706 East Pine Street, Hattiesburg, Miss. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, Classes A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Santa Rosa, Miss., and U.S. Highway 90 at junction with Mississippi Highway 43 and at junction with Mississippi Highway 604; from Santa Rosa over Mississippi Highway 43 to Junction U.S. Highway 90 (also from junction Mississippi Highways 43 and 604, over Mississippi Highway 604 to junction U.S. Highway 90), and return over the same routes, serving all intermediate points, and the off-route point of Gainesville, Miss.

No. MC 22167 (Sub-No. 15), filed September 11, 1961. Applicant: CONSOLIDATED COPPERSTATE LINES, 1220 West Washington Boulevard, Montebello, Calif. Applicant's attorney: Thomas F. Tobin, 34 West Monroe, Phoenix, Ariz. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities* (except those of unusual value, and dangerous explosives, household goods as defined in *Practices of Motor Common Carriers of Household Goods,* 17 M.C.C. 467, commodities in bulk, commodities requiring special equipment, and those injurious or contaminating to other lading), from Phoenix, Ariz., to Flagstaff, Ariz.; from Phoenix over Interstate Highway 17, to Flagstaff, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations.

No. MC 64808 (Sub-No. 4), filed October 31, 1961. Applicant: W. S. THOMAS TRANSFER, INC., 404 Auburn Street, Fairmont, W. Va. Applicant's attorney: John A. Vuono, 1515 Park Building, Pittsburgh 22, Pa. Authority sought to operate as a *common carrier,* by motor vehicle, over irregular routes, transporting: *Glass bottles,* from Star City, W. Va., to points in Ohio, Maryland, and those in that part of Pennsylvania on and west of a line beginning at the Pennsylvania-New York State line and extending along U.S. Highway 219 to junction U.S. Highway 6 (formerly portion U.S. Highway 219), thence over U.S. Highway 6 to Kane, Pa., thence over unnumbered highway (formerly portion U.S. Highway 219), through East Kane, Sergeant, and Dahoga, Pa., to junction U.S. Highway 219, and thence along U.S. Highway 219 to the Pennsylvania-Maryland State line, and *empty containers or other such incidental facilities* (not specified) used in transporting the commodity specified above, on return.

NOTE: Applicant states the "purpose of this application is to eliminate the Fairmont gateway in connection with shipments of glass bottles from Star City to the destination area set forth in the application."

No. MC 66562 (Sub-No. 1852), filed October 27, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorneys: Slovacek and Galliani, Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service, between Manchester, Iowa and junction Iowa Highway 13 and U.S. Highway 151, from Manchester south over Iowa Highway 13 to junction U.S. Highway 151, and return over the same route, serving the intermediate points of Ryan, Coggon, and Central City, Iowa. RESTRICTIONS: The service to be performed shall be limited to that which is auxiliary to or supplemental of express service of Railway Express Agency, Incorporated. Shipments transported shall be limited to those moving on through bills of lading or express receipts of Railway Express Agency, Incorporated.

No. MC 66562 (Sub-No. 1853), filed October 27, 1961. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: William H. Marx (same address as applicant). Authority sought to operate as a *common carrier,* by motor vehicle, over regular routes, transporting: *General commodities,* moving in express service; (1) Between Charlottesville, Va. and Newport News, Va., from Charlottesville over U.S. Highway 250 to Richmond, Va., thence over U.S. Highway 60 to junction Virginia Highway 168, thence over Virginia Highway 168 to Newport News, and return over the same route, serving the intermediate and off-route points of Keswick, Richmond, Providence Forge, Williamsburg, and Lee Hall, Va.; and (2) Between junction U.S. Highway 250 with Virginia Highway 22, and Richmond, Va., from junction U.S. Highway 250 and Virginia Highway 22, over Virginia Highway 22 to junction Virginia Highway 231, thence over Virginia Highway 231 to Gordonsville, Va., thence over U.S. Highway 33 to Richmond, and return over the same route, serving the intermediate and off-route points of

Keswick, Gordonsville, Louisa, and Mineral, Va. RESTRICTION: The service to be performed will be limited to that which is auxiliary to or supplemental of express service, and the shipments transported by applicant will be limited to those moving on a through bill of lading or express receipt.

No. MC 76177 (Sub-No. 283), filed October 25, 1961. Applicant: BAGGETT TRANSPORTATION COMPANY, a corporation, 2 South 32d Street, Birmingham 5, Ala. Applicant's attorney: Harold G. Hernly, 1824 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes; transporting: *Explosives, nitro-carbon-nitrate and blasting supplies*, from Wolf Lake, Ill., to points in Michigan.

NOTE: Applicant states "W. D. Sellers, Jr., and Baggett Transportation Company control Alabama Highway Express under Docket No. MC–F–7010. Also application pending under Docket No. MC–F–7589 W. D. Sellers, Jr., and Baggett Transportation Company—Control—Baggett Bulk Transport, Inc." Applicant has contract authority under MC 89778 and Subs thereunder, therefore, dual operations may be involved.

No. MC 89684 (Sub-No. 36), filed October 26, 1961. Applicant: WYCOFF COMPANY, INCORPORATED, 560 South Second West, Salt Lake City, Utah. Applicant's attorney: Harry D. Pugsley, Continental Bank Building, Salt Lake City 1, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Prepacked sandwiches and snack items*, from Salt Lake City, Utah, to points in that part of Idaho located south of Idaho County, Idaho, and *empty containers or other such incidental facilities* (not specified) used in transporting the above described commodities, on return.

No. MC 104896 (Sub-No. 6) (CORRECTION), filed October 10, 1961, published in FEDERAL REGISTER, issue of October 25, 1961, republished, as corrected this issue. Applicant: WOMELDORF, INC., P.O. Box 232, Lewistown, Pa. Applicant's attorney: Raymond A. Thistle, Jr., Suite 601, 226 South Sixteenth Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Fertilizer spreaders, insecticides, pesticides* and *herbicides* (except in bulk, in tank vehicles), (1) from Carteret, N.J. and Baltimore, Md., to points in Erie, Orleans, Monroe, and Genesee Counties, N.Y., and (2) from Carteret, N.J. to points in Allegany County, N.Y.

NOTE: The purpose of this republication is to include "in tank vehicles" in the exception as stated above.

No. MC 110525 (Sub-No. 471), filed October 30, 1961. Applicant: CHEMICAL LEAMAN TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Ferrochromium*, in dump vehicles, from Ports of Entry on the International Boundary Line between the United States and Canada, located on the Niagara River, to Bridgeville, Pa.

NOTE: Applicant holds contract authority in MC 117507.

No. MC 110698 (Sub-No. 189), filed October 30, 1961. Applicant: RYDER TANK LINES, INC., 9020 La Porte Expressaway, Houston 17, Tex. Applicant's attorney: Dale Woodall, Box 26035, Houston 32, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Varnish and vegetable oil* (modified or blended) when moving in mixed loads with *liquid chemicals*, in bulk, in tank vehicles from Valley Park, Mo., to Houston, Tex.

No. MC 116063 (Sub-No. 19), filed October 26, 1961. Applicant: C & R TRANSPORT COMPANY, INC., P.O. Box 7346, Fort Worth 11, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizers*, in containers, from Etter, Tex., to points in New Mexico.

MOTOR CARRIERS OF PASSENGERS

No. MC 109598 (Sub-No. 22), filed October 19, 1961. Applicant: CAROLINA SCENIC STAGES, a corporation, 217 North Converse Street, Spartanburg, S.C. Applicant's attorney: Wilmer A. Hill, Transportation Building, Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, and *newspapers, express and mail* in the same vehicle with passengers; (1) Between Campobello, S.C. and Columbia, S.C., from Campobello over South Carolina Highway 11 to Junction Interstate Highway 26, thence over Interstate Highway 26 to Columbia, and return over the same route, serving all intermediate points; and (2) Between Junction Interstate Highway 26 and South Carolina Highway 219 and Newberry, S.C., from Junction Interstate Highway 26 and South Carolina Highway 219, over South Carolina Highway 219 to Newberry, and return over the same route, serving all intermediate points.

NOTE: Applicant states it is under common control with Coastal Stages Corp., MC 110595 and Gray Line of Charleston, MC 77780.

No. MC 116582 (Sub-No. 2), filed October 30, 1961. Applicant: WONDER TOURS OF NIAGARA, INC., 1514 Walnut Avenue, Niagara Falls, N.Y. Applicant's attorney: Philip S. Gellman, First Federal Savings and Loan Building, 880 Military Road, Niagara Falls, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in special operations, in round-trip sightseeing or pleasure tours, limited to the transportation of not more than eleven passengers in any one vehicle, but not including the driver thereof and not including children under ten (10) years of age who do not occupy a seat or seats, beginning and ending at Niagara Falls, N.Y., and points in Niagara County, N.Y., within six (6) miles thereof, and extending to ports of entry on the International Boundary line between the United States and Canada at Niagara Falls and Lewiston, N.Y.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5 GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 45657 (Sub-No. 27) (CLARIFICATION), filed April 3, 1961, published FEDERAL REGISTER, issue of April 19, 1961, republished as amended issue September 20, 1961, and further amended October 10, 1961, and republished as amended October 25, 1961, clarified by letter dated October 27, 1961, and republished as clarified this issue. Applicant: PIC-WALSH FREIGHT CO., 731 Campbell Avenue, St. Louis, Mo. Applicant's attorney: John Paul Jones, 189 Jefferson Avenue, Memphis 3, Tenn. By letter dated October 27, 1961, applicant's attorney advises that in addition to the authority noticed in the previous publications of the subject application, authority is also sought as follows: "It is proposed to serve the following intermediate and/or off-route points: To serve all intermediate points on the above-described routes, except those on U.S. Highway 78 between Memphis, Tenn., and New Albany, Miss.; to serve all off-route points between said routes and an area bounded by Mississippi Highway 15 on the west, U.S. Highway 82 on the south, the Alabama State line on the east, and the Tennessee Line on the north, and also, those off-route points on the perimeter of said area."

HEARING: Remains as assigned November 27, 1961, at the Hotel Claridge, Memphis, Tenn., before Joint Board No. 229, or, if the Joint Board waives its right to participate, before Examiner Bruce W. Card.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC–F–7462. (J. M. BLYTHE—PURCHASE—SEABOARD FOOD EXPRESS, INC.), published in the March 9, 1960, issue of the FEDERAL REGISTER on pages 2034 and 2035. Petition filed October 26, 1961, by vendee requesting, among other things, a renewal of the lease, previously approved November 26, 1960, for one year expiring November 25, 1961.

No. MC–F–7886. (ALTERMAN TRANSPORT LINES, INC.—PURCHASE (PORTION)—McDOWALL TRANSPORT, INC.), published in the June 14, 1961, issue of the FEDERAL REGISTER on page 5348. Amendment filed October 27, 1961, to show the following operating rights sought to be transferred: *Canned fruits and canned*

fruit juices in containers, as a *common carrier* over irregular routes, from points in Florida, to points in Ohio, Indiana, the lower peninsula of Michigan, Chicago, Ill., and points in Illinois within 50 miles of Chicago, Louisville, Ky., and points in Kentucky within 25 miles of Louisville, Charleston and Huntington, W. Va., and points in West Virginia within 25 miles of Charleston and Huntington, serving South Carolina, Alabama, Georgia, North Carolina, Virginia, and Tennessee for operating convenience only.

No. MC–F–7987. Authority sought for control by N. M. DAVIS CORPORATION LIMITED, 1014 Sheppard Avenue East (Postal address—Box 23, Postal Station K, Toronto 12, Ontario), Willowdale, Ontario, of ROADWAY TRANSPORT LIMITED, 2515 Gerrard Street East, Toronto 13, Canada, and for acquisition by N. M. DAVIS, Box 23, Postal Station K, Toronto 12, Ontario, of control of ROADWAY TRANSPORT LIMITED through the acquisition of N. M. DAVIS CORPORATION LIMITED. Applicants' attorney: Walter N. Bieneman, Matheson, Dixon & Bieneman, 2150 Guardian Building, Detroit 26, Mich. Operating rights sought to be controlled: *Automobiles, trucks, buses, trailers, bodies, cabs,* and *chassis* by truckaway and driveaway methods, in initial and secondary movements as a *common carrier* over irregular routes between points in Wayne County, Mich., on the one hand, and, on the other, the boundary of the United States and Canada at Detroit, Mich., *farm tractors,* from Highland Park, Mich., to the boundary of the United States and Canada at Detroit, Mich., and *automobiles, trucks, buses, trailers,* and *chassis,* in secondary movements in truckaway and driveaway service, and *bodies* and *cabs,* between Port Huron, Mich., and the international boundary line between the United States and Canada at Port of Entry, at Port Huron, Mich. N. M. DAVIS CORPORATION LIMITED holds no authority from this Commission. However, it is affiliated with INTER-CITY TRUCK LINES LIMITED, 1500 Dundas Highway East, P.O. Box 911, Islington, Ontario, Canada, which is authorized to operate as a *common carrier* in Michigan and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC–F–7988. Authority sought for purchase by CAPITOL MOTOR TRANSPORTATION CO., INC., 296 Main Street, Everett, Mass., of the operating rights of BENJAMIN MOTOR EXPRESS, INC. (ARTHUR T. WASSERMAN, TRUSTEE), 32 Vine Street, Everett, Mass., and for acquisition by DAVID BORENSTEIN and EVELYN BORENSTEIN, both of 296 Main Street, Everett, Mass., of control of such rights through the purchase. Applicants' representatives: Bert Collins, practitioner, 140 Cedar Street, New York 6, N.Y., and A. T. Wasserman, Trustee in Bankruptcy for BENJAMIN MOTOR EXPRESS, INC., One Court Street, Boston, Mass. Operating rights sought to be transferred: *General commodities,* excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Boston, Mass., and New York, N.Y., serving certain intermediate and off-route points, over an alternate route for operating convenience only; *candies and jellies,* over irregular routes, from Boston, Mass., and points in Massachusetts within 35 miles of Boston, to Trenton, Vineland, Maple Shade, Camden, New Brunswick, and Bridgeton, N.J., and Philadelphia, Pa., *linoleum,* from New York, N.Y., to Worcester, Springfield, and Lowell, Mass., *cocoanuts,* from New York, N.Y., and Jersey City and Newark, N.J., to Brockton, Mass., *paint,* from New York, N.Y., to Providence and Pawtucket, R.I., and Springfield, Worcester, Taunton, Fall River, New Bedford, and Brockton, Mass., *candy,* from New York, N.Y., to Worcester, Springfield, and Fall River, Mass., and Providence, R.I., *syrup,* from New York, N.Y., to Providence and Pawtucket, R.I., and New Bedford, Mass., *canned goods,* from New York, N.Y., and Newark, N.J., to Fall River, Mass., *frozen blueberries,* from Everett, Mass., to New York, N.Y., *cocoa beans,* from points in the New York, N.Y., Commrecial Zone, as defined by the Commission, to Mansfield, Mass., *green coffee beans,* from points in the New York, N.Y., Commercial Zone, as defined by the Commission to Walpole and Boston, Mass., and *bananas,* from points in the New York, N.Y., Commercial Zone, as defined by the Commission, to Cranston, R.I., and Boston, Mass. Vendee is authorized to operate as a *common carrier* in Massachusetts, Rhode Island, Connecticut, New Hampshire, Maine, Ohio, Indiana, Illinois, Wisconsin, and Michigan. Application has been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC–F–7989. Authority sought for merger into ILLINI-SWALLOW LINES, INC. (FORMERLY ILLINI COACH COMPANY), 118–120 South Walnut Street, Champaign, Ill., of the operating rights and property of SWALLOW COACH LINES, INC. (ILLINOIS), 118–120 South Walnut Street, Champaign, Ill., SWALLOW COACH LINES, INC. (INDIANA), 118–120 South Walnut Street, Champaign, Ill., and AMERICAN STAGES, INC., 118–120 South Walnut Street, Champaign, Ill., and for acquisition by OLEN G. PARKHILL, JOHN W. PARKHILL, EARL R. PARKHILL, WILLIAM T. PARKHILL, and A. NEILSON JACKSON, all of Champaign, Ill., of control of such rights and property through the transaction. Applicants' attorney: Harry J. Harman, 1110–1112 Fidelity Building, Indianapolis 4, Ind. Operating rights sought to be merged: (SWALLOW COACH LINES, INC. (ILLINOIS)) *Passengers* and their baggage, and *express, mail* and *newspapers* in the same vehicle with passengers, as a *common carrier* over regular routes between Champaign, Ill., and Indianapolis, Ind., between Danville, Ill., and Lafayette, Ind., and between Danville, Ill., and Terre Haute, Ind., serving all intermediate points. (SWALLOW COACH LINES, INC. (INDIANA)) *Passengers* and their baggage, and *express, mail,* and *newspapers,* in the same vehicle with passengers, over *regular routes* between Attica, Ind., and Clinton, Ind., serving all intermediate points, and between Greencastle, Ind., and West Lafayette, Ind., serving all intermediate points. (AMERICAN STAGES, INC.) *Passengers* and their baggage, and express and newspapers, in the same vehicle with passengers, over regular routes, between Indianapolis, Ind., and Crawfordsville, Ind., serving all intermediate points; *passengers* and their baggage, restricted to traffic originating in the territory indicated, in charter operations, over irregular routes, from certain points in Indiana to points in Ohio, Michigan, Illinois, and Kentucky. ILLINI-SWALLOW LINES, INC., is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. McCOY, *Secretary.*

[F.R. Doc. 61–10669; Filed, Nov. 7, 1961; 8:49 a.m.]

[Notice 563]

MOTOR CARRIER TRANSFER PROCEEDINGS

NOVEMBER 3, 1961.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC–FC 64491. By order of October 31, 1961, the Transfer Board approved the transfer to Wilmer Ristow, doing business as Ristow Trucking, Wales, Wisconsin of Permit No. MC 114600, issued July 30, 1958, to Julius F. Kanz, doing business as Merton Transportation Co., Milwaukee, Wis., authorizing the transportation of: Rock wool insulation products, from Merton, Wis., to points in Illinois, Indiana, Iowa, Michigan, Minnesota, Missouri, and Ohio. John T. Porter, 708 First National Bank Building, Madison 3, Wis., attorney for applicants.

No. MC–FC 64546. By order of October 30, 1961, the Transfer Board approved the transfer of William Hawthorne and Mary H. Gaskill, a partnership, doing business as Hawthorne & Co., Philadelphia, Pa., of Certificate No. MC 2053, issued October 18, 1961, to Charles Chrin and Nicholas Chrin, a partnership, doing business as Chrin Bros., Easton, Pa., authorizing the transportation of: Loose bulk commodities, in dump trucks, between points in New

Jersey and Pennsylvania within 25 miles of Easton, Pa., including Easton; household goods, between Easton, Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in New York, New Jersey, Delaware, Maryland, Pennsylvania, Massachusetts, Connecticut, Rhode Island, Virginia and the District of Columbia; between Easton Pa., and points within 25 miles of Easton, on the one hand, and, on the other, points in Massachusetts, Rhode Island, Connecticut, New York, Ohio, New Jersey, Delaware, Maryland, Virginia, and the District of Columbia. Jacob Polin, 426 Barclay Building, Bala-Cynwyd, Pa., representative for applicants.

[SEAL] HAROLD D. McCOY,
Secretary.

[F.R. Doc. 61-10670; Filed, Nov. 7, 1961; 8:49 a.m.]

OFFICE OF EMERGENCY PLANNING

TEXAS

Notice of Major Disaster

Pursuant to the authority vested in me by the President under Executive Order 10427 of January 16, 1953, Executive Order 10737 of October 29, 1957, Executive Order 10773 of July 1, 1958, and Executive Order 10782 of September 6, 1958 (18 F.R. 407, 22 F.R. 8799, 23 F.R. 5061, and 23 F.R. 6971); Public Law 87-296; by virtue of the Act of September 30, 1950, entitled "An Act to authorize Federal assistance to States and local governments in major disasters, and for other purposes" (42 U.S.C. 1855-1855g), as amended; notice is hereby given of a declaration of "major disaster" by the President in his letter to me dated September 16, 1961, reading in part as follows:

I hereby determine the damage in Galveston, Aransas, Matagorda, and Nueces Counties of the State of Texas adversely affected by Hurricane Carla to be of sufficient severity and magnitude to warrant disaster assistance by the Federal Government to supplement State and local efforts.

The President has amended his declaration of September 16, 1961, in his letter to me dated September 22, 1961, reading in part as follows:

I hereby amend my declaration of a major disaster in the State of Texas on September 16, 1961, to include the counties of: Brazoria, Calhoun, Chambers, Jackson, Jefferson, Lavaca, San Patricio, and Refugio.

The President has further amended his declaration of September 16, 1961, in his letter to me dated October 23, 1961, reading in part as follows:

I hereby further amend my declaration of a major disaster in the State of Texas on September 16, 1961, to include the county of Victoria and the following subdivisions of Harris County:

Channelview Independent School District, Channelview, Tex.;

Harris County Fresh Water Supply District Number 8, Baytown, Tex.; and

Harris County Water Control and Improvement District Number 55, Seabrook, Tex.

Dated: October 30, 1961.

FRANK B. ELLIS,
Director,

[F.R. Doc. 61-10642; Filed, Nov. 7, 1961; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1440]

ABERDEEN FUND

Notice of Filing of Application

OCTOBER 31, 1961.

Notice is hereby given that Aberdeen Fund ("Aberdeen"), Jersey City, N.J., a registered open-end investment company, has filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act the proposed issuance of its shares at net asset value for substantially all of the cash and securities of Richardson Specialty Company, Inc. ("Richardson") on the basis set forth below.

Shares of Aberdeen, a New Jersey common law trust, are offered to the public on a continuous basis at net asset value plus varying sales charges dependent on the amount purchased. As of August 31, 1961, the net assets of Aberdeen amounted to $22,126,344.

Richardson, a New York corporation, is a personal holding company which engages in the business of investing and reinvesting its funds. Richardson is excepted from the definition of investment company under the Act by reason of the provisions of section 3(c)(1) thereof. Pursuant to an agreement between David L. Babson Management Corporation ("Depositor"), the Depositor of Aberdeen, and Richardson, substantially all of the cash and securities of Richardson, with a total value of $625,033 as of August 31, 1961, will be transferred to Aberdeen in exchange for shares of stock of Aberdeen. The shares acquired by Richardson are to be distributed immediately to its shareholders, who intend to take such shares for investment with no present intention of distribution or redemption. The number of shares of Aberdeen to be delivered to Richardson will be determined by dividing the net asset value per share of Aberdeen in effect at the closing time into the value of the Richardson assets to be exchanged, subject to an adjustment under certain conditions to the Richardson assets as described below.

Since the exchange will be tax free for Richardson and its shareholders, Aberdeen's cost basis for tax purposes on the assets acquired from Richardson will be the same as for Richardson, rather than the price actually paid by Aberdeen for the assets. Aberdeen intends to retain for investment the securities acquired from Richardson on which there was an unrealized gain of $72,885 as of August 31, 1961, or 12 percent of the total assets acquired from Richardson. As of the same date, Aberdeen's unrealized appreciation was approximately $8,850,500, or approximately 40 percent of its total net assets.

In order to compensate the present shareholders of Aberdeen for possible adverse tax consequences in the event of future sale of the assets acquired from Richardson, it has been agreed that the value of Richardson's assets will be reduced by 12½ percent of the amount by which the unrealized appreciation on the assets acquired from Richardson is greater proportionately than the unrealized appreciation on Aberdeen's assets. This excess appreciation is to be computed as of the closing time by applying the percentage of unrealized appreciation on Aberdeen's assets to the value of the assets acquired from Richardson and subtracting the resulting amount from the unrealized appreciation on Richardson's assets. If the transaction had been consummated on August 31, 1961, no adjustment would have been made to the Richardson assets because the percentage of unrealized appreciation on Aberdeen's assets was greater than on Richardson's.

The application recites that the terms of the entire transaction were arrived at through arms-length bargaining between the Depositor and Richardson, and that no affiliation exists between the parties.

Section 22(d) of the Act provides, in pertinent part, that no registered investment company shall sell any redeemable security issued by it to any person except at a current offering price described in the prospectus, with certain exceptions not applicable here. Under the terms of the Agreement, however, the shares of Aberdeen are to be issued to Richardson at a price other than the public offering price stated in the prospectus.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

Notice is further given that any interested person may, not later than November 17, 1961, at 5:30 p.m., submit to the Commission in writing a request for a hearing on the matter accompanied by the statement as to the nature of his interest, the reason for such request and the issues of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication should be addressed: Secretary, Securities and Exchange Commission, Washington 25,

D.C. At any time after said date, as provided by Rule O–5 of the rules and regulations promulgated under the Act, an order disposing of the application herein may be issued by the Commission upon the basis of the showing contained in said application, unless an order for hearing upon said application shall be issued upon request or upon the Commission's own motion.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10657; Filed, Nov. 7, 1961; 8:48 a.m.]

[File Nos. 7–2190—7–2201]

AMERICAN METAL CLIMAX, INC., ET AL.

Notice of Applications for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of applications of the Midwest Stock Exchange for unlisted trading privileges in certain securities.

The above named national securities exchange has filed applications with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the common stocks of the following companies, which securities are listed and registered on one or more other national securities exchanges:

American Metal Climax, Inc., File 7–2190.
Ampex Corporation, File 7–2191.
Caterpillar Tractor Company, File 7–2192.
Colgate-Palmolive Company, File 7–2193.
Continental Oil Company (Del.), File 7–2194.
Johns-Manville Corporation, File 7–2195.
Lockheed Aircraft Corporation, File 7–2196.
P. Lorillard Company, File 7–2197.
Procter & Gamble Company, File 7–2198.
Standard Kollsman Industries, Inc., File 7–2199.
Texas Gulf Sulphur Company, File 7–2200.
Upjohn Company, File 7–2201.

Upon receipt of a request, on or before November 17, 1961, from any interested person, the Commission will determine whether the application with respect to any of the companies named shall be set down for hearing. Any such request should state briefly the title of the security in which he is interested, the nature of the interest of the person making the request, and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on any of the said applications by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing with respect to any particular application, such application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10658; Filed, Nov. 7, 1961; 8:48 a.m.]

[File No. 7–2189]

BALDWIN-MONTROSE CHEMICAL CO., INC.

Notice of Application for Unlisted Trading Privileges and of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of application of the Detroit Stock Exchange for unlisted trading privileges in a certain security.

The above named national securities exchange has filed an application with the Securities and Exchange Commission pursuant to section 12(f)(2) of the Securities Exchange Act of 1934 and Rule 12f–1 thereunder, for unlisted trading privileges in the convertible preferred and common stock of the following company, which securities are listed and registered on one or more other national securities exchanges:

Baldwin-Montrose Chemical Co., Inc., File 7–2189

Upon receipt of a request, on or before November 17, 1961, from any interested person, the Commission will determine whether the application shall be set down for hearing. Any such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing, if ordered. In addition, any interested person may submit his views or any additional facts bearing on the said application by means of a letter addressed to the Secretary, Securities and Exchange Commission, Washington 25, D.C., not later than the date specified. If no one requests a hearing, this application will be determined by order of the Commission on the basis of the facts stated therein and other information contained in the official files of the Commission pertaining thereto.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10659; Filed, Nov. 7, 1961; 8:48 a.m.]

[File No. 24A–1450]

COURTS AND CO. ET AL.

Order Temporarily Suspending Exemption, Statement of Reasons Therefor, and Notice of Opportunity for Hearing

NOVEMBER 2, 1961.

In the matter of Courts & Co. and Clement A. Evans & Company, Inc. (Offerors) and Aerosonic Corp. (Issuer); File No. 24A–1450.

I. Aerosonic Corp. (Issuer) filed with the Commission on January 13, 1961, a notification on Form 1–A and an offering circular relating to a proposed public offering of 62,300 shares of 10 cents par value common stock of Aerosonic Corp. to be offered on behalf of Courts & Co. and Clement A. Evans & Company, Inc. and four other selling stockholders, for the purpose of obtaining an exemption from the registration requirements of the Securities Act of 1933, as amended, pursuant to the provisions of section 3(b) and Regulation A. The stock was to be sold to the public at $2.20 a share for an aggregate amount of $137,060.00.

II. The Commission has reason to believe that:

A. The terms and conditions of Regulation A have not been complied with in that the report filed on Form 2–A did not correctly disclose the date on which the distribution was completed or the actual total amount of funds received from the public, as required by Rule 260.

B. The offering circular contains untrue statements of material facts and omits to state material facts necessary in order to make the statements made, in the light of the circumstances under which they were made, not misleading, particularly with respect to:

1. The failure to disclose adequately and accurately the offering price per share and the aggregate offering price to the public.

2. The failure to disclose adequately and accurately the aggregate underwriting discounts or commissions.

3. The failure to disclose the names and addresses and the amount of participation of each underwriter.

C. The offering was made in violation of section 17(a) of the Securities Act of 1933, as amended.

III. *It is ordered,* Pursuant to Rule 261(a) of the general rules and regulations under the Securities Act of 1933, as amended, that the exemption under Regulation A be, and it hereby is, temporarily suspended.

Notice is hereby given that any person having any interest in the matter may file with the Secretary of the Commission a written request for hearing within thirty days after the entry of this order; that within twenty days after receipt of such request the Commission will, or at any time upon its own motion may, set the matter down for hearing at a place to be designated by the Commission for the purpose of determining whether this order of suspension should be vacated or made permanent, without prejudice, however, to the consideration and presentation of additional matters at the hearing; that if no hearing is requested and none is ordered by the Commission, this order shall become permanent on the thirtieth day after its entry and shall remain in effect unless or until it is modified or vacated by the Commission; and that notice of the time and place for any hearing will be promptly given by the Commission.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F.R. Doc. 61–10660; Filed, Nov. 7, 1961; 8:48 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 3 (Rev. 4)]

DIRECTOR, OFFICE OF PERSONNEL

Delegation Relating to Personnel Functions

I. Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator by Delegation No. 1 (Revision 1), dated August 29, 1961, there is hereby redelegated to the Director, Office of Personnel, the authority:

A. *Specific.* 1. To give final approval on personnel actions, including but not limited to, appointments, promotions, reassignments, transfers and separations, and to administer Oaths of Office.

2. To establish and classify all positions subject to the Classification Act of 1949, as amended, in grades GS–1—GS–15, and to establish salary rates for employees not subject to the Act.

3. To approve advanced sick leave and leave without pay in excess of 30 days for employees of SBA.

4. To approve (a) annual and sick leave, (b) leave without pay and (c) overtime work for the employees of the Office of Personnel.

5. To give security clearance to applicants and employees of SBA where the security investigation discloses (a) no derogatory information and (b) derogatory information which would warrant processing the case under provisions of Section 1000.067 of SBA–300, Personnel Manual.

6. To authorize or approve his personal travel and the travel of employees of the Office of Personnel, except travel where actual subsistence expenses are requested.

7. To take all necessary actions on the following only when the Assistant Administrator (Management) is in leave or travel status:

a. Give security clearance to applicants and employees of SBA when the security investigation discloses derogatory information, but the Security Officer and the Deputy Security Officer are in agreement that derogatory information is insufficient to warrant suspension or termination in the case of an employee, or denial of clearance in the case of an applicant.

b. Authorize all expenditures for registration fees for all Washington employees except the Deputy Administrators, Assistant Administrators, and Special Assistants to the Administrator.

c. Authorize all expenditures for registration fees for in excess of $25.00 for each registration for all field office employees.

d. Approve out-service training.

e. Approve all in-service training for Washington employees.

f. Approve in-service training of $50.00 for field office employees.

II. The specific authorities delegated in I.A.3, I.A.4(c), I.A.6, and I.A.7 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Personnel.

IV. All previous authority delegated to the Director, Office of Personnel, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 1, 1961.

D. J. CARR,
Assistant Administrator (Management).

[F.R. Doc. 61–10662; Filed, Nov. 7, 1961; 8:48 a.m.]

[Delegation of Authority 2 (Rev. 6)]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation Relating to Organization and Management

I. Pursuant to the authority delegated to the Assistant Administrator (Management) by the Administrator by Delegation No. 1 (Revision 1), dated August 29, 1961, there is hereby redelegated to the Director, Office of Organization and Management, the authority:

A. *Administrative.* 1. To contract for supplies, materials and equipment, printing, transportation, communications space and special services.

2. To effect the disposition of official records of SBA.

3. To approve (a) annual and sick leave, (b) leave without pay not in excess of 30 days, and (c) overtime work for employees under this supervision.

4. To give final approval of SBA forms.

5. To authorize or approve his personal travel and the travel of employees of the Office of Organization and Management, except travel where actual subsistence expenses are requested.

6. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, and 2096) from the Administrator of the General Services Administration to the Small Business Administration.

7. To effectuate an adequate property utilization and accountability program on an agency-wide basis.

8. To give final approval on non-policy changes in all SBA Manuals, if such action is necessary during any period when the Assistant Administrator (Management) is in leave or travel status.

II. The authorities delegated in I.A.5 and I.A.8 may not be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Director, Office of Organization and Management.

IV. All previous authority delegated to the Director, Office of Organization and Management, is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: September 1, 1961.

D. J. CARR,
Assistant Administrator (Management).

[F.R. Doc. 61–10661; Filed, Nov. 7, 1961; 8:48 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

CERTIFICATES AUTHORIZING EMPLOYMENT OF LEARNERS AT SPECIAL MINIMUM RATES

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 524 (24 F.R. 9274), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.25, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Bellcraft Manufacturing Co., Mount Olivet Road, Hartwell, Ga.; effective 10–31–61 to 10–30–62 (juniors', boys', and men's sport shirts (woven fabrics)).

Blue Bell, Inc., Tupelo, Miss.; effective 11–8–61 to 11–7–62 (men's western and work shirts, boys' boxer longs).

Blue Ridge Shirt Manufacturing Co., Fayetteville, Tenn.; effective 10–25–61 to 10–24–62 (men's and boys' sport shirts)

Boonville Manufacturing Corp., 302–316 North Second Street, Boonville, Ind.; effective 11–1–61 to 10–31–62 (men's woven pajamas).

Cluett, Peabody and Co., Inc., Eagle Building, Franklin Street, Samokin, Pa.; effective 11–4–61 to 11–3–62 (men's sport shirts).

Columbia Togs, Inc., Columbia, Tenn.; effective 10–30–61 to 10–29–62 (boys' and girls' robes, dusters, snowsuits, and jackets).

Edison Textiles, Inc., Edison, Ga.; effective 10–26–61 to 10–25–62 (cotton sunsuits, playwear, nightwear, and cotton panties).

The Enro Shirt Co., Inc., 4300 Leghorn Drive, Louisville, Ky.; effective 11–10–61 to 11–9–62 (men's dress and sport shirts).

Frackville Pajamas, Inc., Ninth and Scull Streets, Lebanon, Pa.; effective 10–31–61 to 10–30–62 (men's and boys' pajamas).

Georgia Converters, Inc., Bremen, Ga.; effective 11–1–61 to 10–31–62 (men's and boys' dress slacks).

Jackson Apparel Manufacturing Co., Jackson, Tenn.; effective 10–26–61 to 10–25–62 (ladies' inexpensive wash dresses).

Key Work Clothes of Missouri, Nevada, Mo.; effective 11–1–61 to 10–31–62 (men's work shirts and pants).

Luverne Slacks Co., Inc., Luverne, Ala.; effective 10–19–61 to 10–18–62 (men's slacks).

McPenn Corp., Washington and Walnut Streets, Nanticoke, Pa.; effective 10–25–61 to 10–24–62 (men's and boys' sport shirts).

Charles Meyers and Co., First and Harrison, Belleville, Ill.; effective 11–1–61 to 10–31–62 (men's trousers).

Milan Shirt Manufacturing Co., 134 Williamson Street, Milan, Tenn.; effective 11-4-61 to 11-3-62 (men's shirts).

Salant and Salant, Inc., First Street, Lexington, Tenn.; effective 11-9-61 to 11-8-62 (boys' sport shirts).

Salant and Salant, Inc., Pine Street, Lexington, Tenn.; effective 11-6-61 to 11-5-62 (men's and boys' cotton slacks).

Salant and Salant, Inc., Obion, Tenn.; effective 11-9-61 to 11-8-62 (boys' sport shirts).

Salant and Salant, Inc., Washington Street, Paris, Tenn.; effective 11-9-61 to 11-8-62 (men's and boys' sport shirts).

Salant and Salant, Inc., Tennessee Avenue, Parsons, Tenn.; effective 11-8-61 to 11-7-62 (men's and boys' cotton work pants).

Salant and Salant, Inc., Troy, Tenn.; effective 11-7-61 to 11-6-62 (boys' cotton sport shirts).

Seminole Manufacturing Co., Columbus, Miss.; effective 10-30-61 to 10-29-62 (men's and boys' dress trousers).

Seminole Manufacturing Co., Aberdeen, Miss.; effective 10-30-61 to 10-29-62 (men's and boys' trousers).

Shamokin Dress Co., 1012 North Shamokin Street, Shamokin, Pa.; effective 10-28-61 to 10-27-62 (women's and misses' dresses).

Shelburne Shirt Co., Inc., 69 Alden Street, Fall River, Mass.; effective 11-1-61 to 10-31-62 (men's dress shirts).

Levi Strauss and Co., 1808 Cherry Street, Knoxville, Tenn.; effective 11-9-61 to 11-8-62 (men's, ladies', and children's dungarees; men's and children's casual slacks).

Waldon Manufacturing Co., Walnut, Miss.; effective 11-9-61 to 11-8-62 (men's sportswear).

Walker Garment Co., Seaford, Del.; effective 10-28-61 to 10-27-62 (men's shirts and pajamas).

Weldon Manufacturing Co. of Pennsylvania, 1307 Park Avenue, Williamsport, Pa.; effective 10-29-61 to 10-28-62 (men's, boys', women's and girls' pajamas).

Whiteville Manufacturing Co., Wilmington Road, Whiteville, N.C.; effective 11-2-61 to 11-1-62 (children's pants, jackets, and shirts, boys' pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Cumberland Blouse Co., 210 South Centre Street, Cumberland, Md.; effective 10-26-61 to 10-25-62; 10 learners (women's blouses).

Elloree Garment Corp., Elloree, S.C.; effective 11-7-61 to 11-6-62; 10 learners (women's sleepwear).

Frackville Pajamas, Inc., Schaefferstown, Pa.; effective 10-31-61 to 10-30-62; five learners (men's and boys' pajamas).

Nadine Fashions, 42 River Street, Carbondale, Pa.; effective 10-26-61 to 10-25-62; eight learners (ladies', misses', and juniors' dresses).

Old Forge Dress Co., Inc., 101 South Main Street, Old Forge, Pa.; effective 10-31-61 to 10-30-62; 10 learners (ladies' dresses).

Ringer-Staples Co., Staples, Minn.; effective 10-25-61 to 10-24-62; 10 learners (men's and boys' jackets).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Hygrade Manufacturing Corp., Waynesboro, Tenn.; effective 10-26-61 to 4-25-62; 50 learners (children's and misses' rainwear).

Monticello Manufacturing Co., Inc., Monticello, Ky.; effective 10-24-61 to 4-23-62; 15 learners (men's sport shirts).

Ringer Park Rapids Co., Park Rapids, Minn.; effective 10-30-61 to 4-29-62; 40 learners (men's and boys' winter jackets, parkas and car coats).

Winfield Manufacturing Co., Winfield, Ala.; effective 10-26-61 to 4-25-62; 150 learners (men's and boys' dungarees).

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 10-30-61 to 10-29-62; 10 percent of the total number of machine stitchers for normal labor turnover purposes (cotton, jersey, and leather gloves).

Warren Industries, 9 Broad Street, Glens Falls, N.Y.; effective 10-26-61 to 10-25-62; 10 learners for normal labor turnover purposes (ladies' dress gloves made of nylon).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

B and K Hosiery Hill, 150—41st Street SW., Hickory, N.C.; effective 10-24-61 to 10-23-62; five learners for normal labor turnover purposes (men's and children's seamless hosiery).

Chipman LaCrosse Hosiery Mills Co., East Flat Rock, N.C.; effective 10-25-61 to 10-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's seamless hosiery).

Hansen Hosiery Mills, Inc., 176 South Coldbrook Avenue, Chambersburg, Pa.; effective 10-31-61 to 10-30-62; five learners for normal labor turnover purposes (ladies' full-fashioned hosiery).

Huffman Finishing Co., Granite Falls, N.C.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knit Products Corp., Belmont, N.C.; effective 10-26-61 to 10-25-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned).

Lorimer Hosiery Mills, Inc., 417 Albright Avenue, Graham, N.C.; effective 10-23-61 to 10-22-62; five learners for normal labor turnover purposes (men's and boys' hosiery).

Lynne Hosiery Mills, Inc., 851 North South Street, Mount Airy, N.C.; effective 10-25-61 to 10-24-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (children's anklets).

Outlook Manufacturing Co., Belmont, N.C.; effective 10-24-61 to 10-23-62; five learners for normal labor turnover purposes (ladies' seamless nylon hosiery).

Pittsburg Knitting Mills, Inc., 212 East First Street, South Pittsburg, Tenn.; effective 10-26-61 to 10-25-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (infants' knitted anklets).

Walridge Hosiery Mill, Inc., Marvell, Ark.; effective 10-30-61 to 4-29-62; 16 learners for plant expansion purposes (seamless).

Wayne Knitting Mills, Humboldt, Tenn.; effective 10-24-62 to 10-23-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (ladies' full-fashioned and seamless hosiery).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Athens Lingerie Corp., Athens, Ala.; effective 11-2-61 to 11-1-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Boonville Manufacturing Corp., 302-316 North Second Street, Boonville, Ind.; effective 11-1-61 to 10-31-62; 5 percent of the total number of factory production workers employed in the manufacture of men's woven underwear for normal labor turnover purposes (men's woven underwear).

East Tennessee Undergarment Co., Inc., New Johnson City Highway, Elizabethton, Tenn.; effective 10-26-61 to 4-25-62; 30 learners for plant expansion purposes (ladies' undergarments).

Excelsior Underwear, Inc., Saluda, S.C.; effective 10-25-61 to 4-24-62; 20 learners for plant expansion purposes (men's woven shorts).

Louis Gallet, Inc., 120 Delaware Ave., Uniontown, Pa.; effective 10-26-61 to 10-25-62; five learners for normal labor turnover purposes (ladies' and men's full-fashioned sweaters).

Haleyville Textile Mills, Inc., Haleyville, Ala.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (underwear and sleepwear).

Lacy Manufacturing Co., Inc., 901 Adele Street, Martinsville, Va.; effective 10-26-61 to 4-25-62; 10 learners for plant expansion purposes (men's and boys' swim trunks).

Lawrence Corp., Moulton, Ala.; effective 10-25-61 to 4-24-62; 50 learners for plant expansion purposes (women's nightgowns, peignoirs, slips, petticoats and underpants).

Taylor Manufacturing Co., Division of Union Underwear Co., Inc., Greensburg Rd., Campbellville, Ky.; effective 10-31-61 to 10-30-62; 5 percent of the total number of factory production workers for normal labor turnover purposes (men's and boys' underwear).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at special minimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 31st day of October 1961.

ROBERT G. GRONEWALD,
Authorized Representative of the Administrator.

[F.R. Doc. 61-10656; Filed, Nov. 7, 1961; 8:47 a.m.]

CUMULATIVE CODIFICATION GUIDE—NOVEMBER

The following numerical guide is a list of the parts of each title of the Code of Federal Regulations affected by documents published to date during November.